942.06 £5

HAMMERSMITH PUBLIC LIBRARIES

RUR.

REFERENCE DEPARTMENT

(NO BOOK IS ON ANY ACCOUNT
TO BE TAKEN FROM
THIS ROOM)

2M/11/58 P. & R. LTD.

SPECIAL NOTICE.

All books borrowed must be returned to the Library on or before the 30th June, for the annual stocktaking. In default thereof a fine of ONE SHILLING will be enforced.

By order of the Commissioners,
SAMUEL MARTIN,
Librarian & Secretary

Hammersmith Public Libraries.

RAVENSCOURT PARK.

LENDING DEPARTMENT. 942.06

The time allowed for reading this book is FOURTEEN Days.

Class Letter..... *No*.....

Day and Month of Issue.	Day and Month of Issue.	Day and Month of Issue.	Day and Month of Issue.	Day and Month of Issue.	Day and Month of Issue.

HAMMERSMITH PUBLIC LIBRARIES

MEMORIALS

OF THE ENGLISH AFFAIRS

FROM

THE BEGINNING OF THE

REIGN OF CHARLES THE FIRST

TO THE

HAPPY RESTORATION

OF KING CHARLES THE SECOND.

BY

BULSTRODE WHITELOCK.

A NEW EDITION, IN FOUR VOLUMES.

VOL. I.

Quæque ipse miserrima vidi,
Et quorum magna pars fui. VIRG. Æn. ii. 8.

OXFORD:

AT THE UNIVERSITY PRESS.

M.DCCC.LIII.

B3245R

REFERENCE LIBRARY.
No. RH 3172
Class 942.06 WH1
Date Jan 34

942.06

HAMMERSMITH PUBLIC LIBRARIES

PREFACE TO THE FIRST EDITION,

LONDON, 1682.

IT is not every period of time, not every king's or Cæsar's reign, that furnishes matter sufficient for an history. Tacitus in one place professes he cannot meet with any thing unless he should stuff out a volume in commending the foundation, or the huge timber that Cæsar employed at the building his amphitheatre. Elsewhere he complains of his being straitened and kept down, the times affording nothing notable besides the corruption of judges, the encouragement of informers, subornations and malicious prosecutions, treachery, and trepannings, new sorts of treason devised, and the laws (made for the people's security) turned into snares and gins to catch and destroy the brave and the virtuous, and all such as are like to resent or stem the inundation of villainy ready to overflow the land. Other writers, says he, *ingentia bella, expugnationes urbium, fusos captosque reges, aut, si quando ad interna præverterent, discordias consulum adversum tribunos, agrarias frumentariasque leges, plebis et optimatium certamina, libero egressu memorabant*[a], which may thus be Englished: "they had to write of great wars, the storming of towns, kings put to the rout and taken captive;

[a] Tac. Ann. lib. 4. cap. 32.

or (if they looked homeward) with a free hand they described the clashings of the chief magistrate with the people's representative, the great charter, the fundamental laws and liberty of the subject, with the warm debates and contestation betwixt the peers and the commons;" these were what Tacitus accounted the noblest matter for an historian.

It has been ordinarily observed, that the sword cuts out work for the pen; and times of war are times of history. Upon that blow given to the barbarians in Armenia, a thousand Herodotuses, a thousand Xenophons and Thucydideses arose[b]: every one bestirred himself and fell to scribble, and commenced historian immediately.

Whether we reflect on the course of war pursued for so many years throughout these three nations and English dominions; or that we consider the fatal strife of the higher powers and governing parts of the commonwealth amongst themselves, no nation or times ever yielded a nobler subject: so far from stinting, that it rather might deter the ablest penman from so vast an undertaking: and we may sooner despair of an historian, than want matter for an history.

Here wanted not the brisk attacks, the bold sallies, the resolute charges, the obstinate sieges, nor any of that glorious violence, desolation, and outrage, whereof the warriors make their wretched ostentation: yet the labour here was no less to subdue the understanding than to beat down the bodies of the enemy; nor was it less a dispute who had the better of the cause in a declaration than who got the victory in the field.

Peradventure the arts and the ambushes and the

[b] Lucian. de Hist. scrib.

management was not so fine, nor had so considerable a proportion in the story, as might be expected from some of our neighbours. The English stay not for so much ceremony, but fight in haste, not caring for more than that old Roman rule,

Parcere subjectis, et debellare superbos;

"to give fair quarter to those that yield, and to knock them down that resist." These are their arts, these are their stratagems. These events, together with the changes and revolutions that usually follow the tempest of war, are things obvious, and not to be concealed from the inquisitive, but seldom it is that the rise and springs of great actions are open to view. Dion Cassius was sensible what difference there was in writing history under a commonwealth, where the counsels are all publicly canvassed and debated; and in a monarchy, where the affairs of state are for the most part managed in cabinets and by a few heads, and every thing made a mystery: so many disguises and so much mist intermingled in the transactions, that the most diligent historian is many times lost, and forced upon conjecture, and cannot distinguish what is real from what are state-pretences.

Besides the other advantages aforementioned for an history, the portion of time (within the compass of these Memorials), of all others, is that in which the state-cabinet was laid open, all the tricks exposed, all the mysterious characters deciphered, all the deeds and misdeeds, all the secret practices and intrigues unravelled to the eye and observation of the world, and such a foundation for certainty in an historian as rarely any times have afforded. This is so well understood, that for want of something accurately composed in

this kind, the world is glad of collections and memorials, and the like materials that may serve in some stead, till time can produce some master accomplished for so great a performance.

Yet is not this portion of time altogether of a piece; every day brings not forth a petition of right, nor an Edge-hill battle; there are intervals, there are flats where fortune drives swimmingly without rattle or disturbance, as well as ups and downs and precipices, where she jolts and tumbles, and overturns every thing in the way.

Hence it is that the course of some years scarce affords matter for a diary; and again, some days yield sinews and substance, and business proportionable, to fulfil the measures of a complete history.

Which inequality appears likewise in our author, who sometimes writes up to the dignity of an historian, and elsewhere is content barely to set down occurrences diarywise, without melting down or refining the ore, and improving those hints and rudiments to the perfection and true standard of an history.

The truth is, our author never intended this for a book in print, nor meant otherwise by it than as a book for his memory and private use: yet such was his relation to the public, so eminent his station, and so much was he upon the stage during all the time of action, that the particulars of his diary go very far towards a perfect history of those times.

We have seen lately published the diary of king Edward the VIth, and formerly that of archbishop Laud; and in France the diary of Mazarine, Richelieu, and other the great ministers; the Italians show that of Charles Emanuel duke of Savoy, and that of the famous

marquis Spinola and others. In Suetonius we read of the ephemerises or diaries of several of the first Cæsars; princes and the great ministers have borrowed so much time from their weighty occasions to note down the memorials of daily passages: but generally this sort of commentaries were rather accounted proper to furnish materials for other men of leisure and capacity, than to pass for history themselves.

Only Julius Cæsar writ in this kind with so much care, to discourage any from writing after him; but he designed them for the world, and deals not *bona fide* in the story: he takes no notice of his scuffle with Metellus about the sacred treasure; and wheresoever his prudence or his justice might be arraigned, all is slurred over in silence, as they who confront him with Plutarch, Dion Cassius, Ammianus, Lucan, &c. may observe: so that he composed his Commentaries with great elegancy of style, but not with much reputation to his integrity.

The author of these Memorials had not the same temptations to prevaricate, nor can well be suspected of a design to represent things otherwise than faithfully to himself. It is not the style and delicacies of language that a wise reader expects in writings of this kind; it is the heart he seeks here, and not the countenance.

Here is no preface or insinuation of indifferency and impartiality. Our author confesses every where his engagements, his party, when he proceeded and when he retreated, without casting any mist to lead you aside, or divert you (where the ways are nice and difficult) from observing what were the measures, and where the danger of making a false step. All are

naked here, and the party more likely to suffer by the truth, than the truth to have any violence in favour of a party.

Hence it is that here we meet with many secrets that never otherwise could have come to light, or would not have come without some preparation and adjustment. And we find what were the perplexities and what the thoughts of the principal actors in the critical junctures and times of extremest difficulty, and how they steered in those black tempestuous seas where no chart or compass could direct them.

We are told every where what the intelligence, and whence it comes, without reflecting on persons; and find always in him that principle of a gentleman, not to report dishonourably of an enemy: and therefore is he the more excusable in giving a fair character of his friends.

Livy everywhere made honourable mention of Scipio, Afranius, and even of Brutus and Cassius, often styling them excellent persons; yet was he not the less beloved of Augustus Cæsar, nor had from him other reprimand than to be called *Pompeianus*[c]: nor did those times ever call them *rogues* and *regicides*, terms that afterwards a more degenerate un-Roman generation, under the ministry of Sejanus, bestowed upon them.

Lucian makes sport with a certain dealer in history, who gave the captain of his own party the name of *Achilles*, and always called the enemy's general *Thersites*. There are some sort of writings devoted to the passions, and lower agitations of the soul, to stir anger and whet up a rusting animosity: but (of all others) it worst becomes an historian to be dipt in any drud-

[c] Tac. Ann. lib. 4, 34.

gery of that nature. It is an affront to a civil reader, who comes with a good appetite, hungry for the truth, to grate upon his teeth with reproaches and aggravations; or, on the other hand, to turn his stomach with nauseous flourishes and slavish adulation. The reader comes not to engage or list himself on a party, but expects with an honest neutrality to make profit and a laudable spoil from the quarrels and miscarriages of others; and without declaring either for Guelph or Gibellin, comes to reap the true fruit of all the toil and dangers that both have undergone; he is to fill his head with wisdom, and seeks not the superficial ornament of fading laurels; he studies not to be angry, but to find wit to his anger.

Our author was too much in the world, and too much a philosopher, for any such malignity to infect his pen, nor was it in his temper. And certainly no man was ever better furnished, or more capable of composing an history of these times worthy the majesty of the English name, had he taken upon him that province.

Some have an opinion that it must be some general, or some ambassador, or some prime minister only, that can be sufficient for a work of this nature. But what can an ambassador perform beyond his own circle and negotiation? Even secretaries of state, we know, are not always of the cabal, nor their intelligence the most infallible.

Nor is it to be thought that Hannibal, bred in the camp, for all his discipline, and his skill in marshalling an army, could vie with Livy in managing a pen, in choosing his words, or disposing them in order; nor could express that vigour of style, that address of

speech and elocution; all which are clear another sort of talent.

Yet our author not only served the state in several stations and places of the highest trust and importance both at home and in foreign countries, and acquitted himself with success and reputation answerable to each respective great character; but likewise conversed with books, and made himself a large provision from his studies and contemplation, like that noble Roman Portius Cato, as described by Nepos; he was *reipublicæ peritus, et jurisconsultus, et magnus imperator, et probabilis orator, et cupidissimus literarum:* "a statesman, and learned in the laws, a great commander, an eminent speaker (in parliament), and an exquisite scholar." He was all along so much in business, one would not imagine he ever had leisure for books; yet who considers his studies might believe he had been always shut up with his friend Selden, and the dust of action never fallen on his gown. His relation to the public was such throughout all the revolutions, that few mysteries of state could be to him any secret. Nor was the felicity of his pen less considerable than his knowledge of affairs, or did less service to the cause he espoused. So we find the words apt and proper for the occasion, the style clear, easy, and without the least force or affectation of any kind, as is shown in his speeches, his narratives, his descriptions, and in every place where the subject deserves the least care or consideration.

In all occurrences, in all the messages, letters, remonstrances, petitions, representations, addresses, votes, conferences, orders, informations, proclamations, declarations, and proposals, he delivers them in their immediate words, in their own cant and dialect, the more

lively to express the particular genius, and that air of religion which in those times overspread the face of affairs.

The daily passages and matters of fact thus simple and unadorned, without being pinned together, and licked over to advantage for public view, may have as good effect, may be as profitable, and be as well received by men of judgment, as any story dressed up with gloss and artifice, and all the starch and formality that ordinarily recommend them to the world.

In matters of history none amongst the moderns ever merited better than Thuanus; yet it is observed, without any diminution to him, that his posthumous work[e] contains *multa falsissima et indigna*, many things most false, and unworthy so great a name. If aught of that nature happen amongst the infinite particulars wherewith this volume is charged, it must be noted without any imputation either to the intelligence or to the integrity of our author, this being a posthumous work, and, as has been said, never by him intended for the public.

[e] Voss. pr. ad lib. de Hist. Lat.

The present edition is reprinted from that which was published with many additions in the year 1732.

MEMORIALS

OF

THE ENGLISH AFFAIRS

DURING THE REIGN OF

KING CHARLES THE FIRST.

KING CHARLES the First succeeded his father king James: immediately after whose death the privy council met, and drew up the form of a proclamation, to proclaim king Charles; which was forthwith published at Theobald's, where the king died, and in London by the nobility, privy councillors, gentry, lord mayor and aldermen, in great solemnity; and so it was in all places with great acclamations, and testimonies of joy from all sorts of people. 1625. Mar. 27. K. Charles proclaimed.

By advice of the council, a commission was granted to authorize the great seal, privy seal, and signet, till new ones could be prepared; and commissions for authorizing of judges, justices of peace, sheriffs, and all other officers for government, with a proclamation for that purpose, because their powers ceased by the king's death: and the like was for Scotland and Ireland.

King James's body was buried with due solemnity at Westminster, his son king Charles (though not usual) was present at the funerals.

The duke of Buckingham was received by the king into an admired intimacy and dearness. Bucks his favourite.

General musters are in all counties, and 12,000 soldiers levied, coat and conduct money ordered to be disbursed by the country, and they to be paid again out of the exchequer;

these were for the palatinate, and a commission granted for martial law, to keep the soldiers in the better discipline.

These points of coat and conduct money, and martial law, occasioned frequent and great debates amongst the judges and other learned men.

The king's marriage.

The espousals of our king with the king of France's sister were made in Paris by cardinal Richelieu, and with the highest state, feasting and bravery that could be.

Buckingham was sent into France, to conduct the queen hither. A navy royal sent to Bullen to waft her over sea; she arrives at Dover, where the king met her. And with great expressions of affection and rejoicing by himself and all his subjects, she is received, and safely came to London. Some extraordinary ceremonies and solemnities were omitted, by reason of the plague then increasing.

Desires to change his style.

All the judges were sent for by the lord keeper Williams, who told them, that the king desired to change his style, and to use the style of *king of Great Britain*, as well in all legal acts and proceedings, as in acts of state, and other indifferent acts. And he prayed the judges to consider of it, and to certify him how it might be done. They all met, consulted and agreed that it could not be done, which they certified the keeper; and that all the judges of England being asked their opinions concerning this point, in the first parliament of king James, they answered *una voce*, that it could not be done, and lords and commons were likewise of the same judgment.

June 18. A parliament. The king's speech.

The parliament met at Westminster; the king made a speech to them touching the war of the palatinate, wherein the last parliament had engaged his father, and which was of necessity to be prosecuted and supplied; and he urged his great wants and charges: and then the lord keeper enlarged upon the same.

The commons pressed for redress of grievances.

The commons pressed upon the grievances not redressed, and to have an account of the last subsidies; others were for execution of the laws against papists, and the questioning Mr. Montague for his book, *Apello Cæsarem*, contrived to put a jealousy between the king and his subjects, and to encourage popery.

Others praised the king, and said, that no grievances had been yet in his reign; and they were only for a petition

for religion, and that religion and subsidies might go hand in hand together.

After a fast, both houses petitioned the king concerning religion, and against recusants; which was answered hopefully: Mountague was brought to the bar of the house of commons for his book, the Arminian party take in with him. The house voted his book contrary to the Articles of Religion, tending to the dishonour of the king and disturbance of the church and state.

The king owned Mountague as his chaplain.

The commons not pleased therewith, yet voted to give the king two subsidies, for which the king thanks them by a message; and yet informs them that the necessities of the present affairs were not therein satisfied, but requires their 2 further counsels, and now he sent a full answer to the petition of religion.

By reason of the plague increasing, the parliament was adjourned to Oxford. The Vanguard and seven other English ships were lent to the king of France, and employed against Rochel; the mariners refused the service. Buckingham was acquainted with it, but not the body of the council. The protestants of France solicit our king against it, but he expressly commands the vice-admiral Pennington to do it, the which he obeyed.

The parliament reassembled at Oxford, whither this news of the ships came, and exasperated many of them, especially against the duke. They insist upon the grievances. Mountague is summoned, his cause, by some of the bishops, is recommended to the duke; and they say, that if the church be once brought down below herself, even majesty itself will soon be impeached; and they say, that king James approved Mountague's opinions: but others differed from them.

The king again speaks to the two houses of parliament touching the war in which they engaged his father for the palatinate, and the breach with Spain; then by his command the lord Conway and sir John Cooke declared to the houses more particularly the present state of affairs in Germany, France, the Low Countries, Sweden, and other kingdoms; they computed the charge of the war to 700,000*l.* a year, besides the navy and Ireland.

The treasurer also acquainted them with the king's debts

for Denmark, the palatinate, his father's funeral, his own marriage, in all 300,000*l.*

Yet the commons were unsatisfied: some said, that things were improvidently managed, and by contrary designs; that it was not usual to give subsidies upon subsidies in one parliament, and no grievances redressed; that great sums of money were given for places; that the time of the year was too far spent for the navy to go forth; that it should be inquired whether the duke brake not the match with Spain out of spleen to Olivarez; and whether he made not the match with France upon harder terms.

To these, and many other things of the like nature, the duke made a handsome and plausible answer to both houses, and gave them account of the fleet; much variety of opinion was in the house of commons in debate hereof. The king sends a message to quicken them. They answer him with a general declaration. And the king perceiving the commons resolved against supply without redress of grievances, this parliament by commission was dissolved.

The parliament dissolved.

The king followed his design of the war, and to put the fleet to sea; and made a league with the United Provinces against the emperor and king of Spain. Then issues a proclamation to recall recusants' children from beyond sea, and against popish priests, and to command all English in the service of the emperor, king of Spain, and archduchess, to return to England. The king sends out his letters to the lord lieutenants of counties, touching a general loan of money to him, and warrants are issued forth to disarm recusants.

Proclamation against papists.

A general loan.

The fleet being ready with ten regiments, the lord Wimbleton was made commander in chief; great muttering was that this design was not known to the council, but to the duke only, and that he went not in person.

The English and Dutch ships designed to block up Dunkirk were dispersed by storm, and twenty-two Dunkirk men of war, with land forces, gave an alarum to England and Ireland.

The fleet's ill success.

The fleet came together again, and neglected or preposterously attempted a great booty of Spanish ships in Cadiz bay; then the army landed and took a fort, but the English finding store of Spanish wines, abused themselves, and hazarded the ruin of all.

They were again shipped, and the general put to sea to wait

for the Plate fleet; but the ill condition of his men, by a general contagion, enforced his return home, without any honourable performance, which caused great clamour; but where the fault lay hath not yet been determined, nor any punished for it.

The general was accused by some of his colonels and seamen, and examined before the council; he laid the blame on some who did not fight the Spanish ships as he ordered them, they denied that they had orders to fight. This fending and proving little salved the honour of the nation. All trade with Spain is prohibited upon confiscation; all the trained bands are exercised.

The plague still raged in London, so that in one week there died 5000 persons; it was also spread in many places in the country. In some families, both master and mistress, children and servants, were all swept away. For fear of infection, many persons who were to pay money did first put it into a tub of water, and then it was taken forth by the party that was to receive it. When the plague was somewhat assuaged, and there died in London but 2500 in a week, it fell to judge Whitlocke's turn to go to Westminster-hall to adjourn Michaelmas term from thence to Reading; and accordingly he went from his house in Buckinghamshire to Horton near Colebrooke, and the next morning early to Hyde-Park corner, where he and his retinue dined on the ground, with such meat and drink as they brought in the coach with them, and afterwards he drove fast through the streets, which were empty of people, and overgrown with grass, to Westminster-hall: where the officers were ready, and the judge and his company went straight to the King's Bench, adjourned the court, returned to his coach, and drove away presently out of town.

The plague rages in London.

The term adjourned to Reading.

Sir Edward Coke, and other gentlemen who had appeared the last parliament against the duke, were made sheriffs, and so could not be chosen parliament men. Coke excepted against several parts of the sheriff's oath, and by advice of all the judges, one of his objections was allowed, to wit, the clause, To destroy Lollards, which, by order of the king and council, was left out of the oath, and so continues.

Coke.

The carriage of the bishop of Lincoln towards the duke at the parliament at Oxford was remembered; and he was sequestered

from the king's presence, and from the council, and from the custody of the sea, which was given to sir Thomas Coventry, and he was sworn a privy councillor and lord keeper.

Another parliament to meet, Feb. 6.

The king finding the discontents of his subjects increased, thought fit to call another parliament; and first, commands are given to the bishops to proceed against the papists by excommunication; and a proclamation confines them.

The king determines to leave Mountague to the parliament, to the great regret of bishop Laud.

The coronation.

The coronation of the king is appointed on Christmas-day, and commissioners made to receive and determine claims concerning services to be then done. Knights of the Bath are to be made, and a proclamation issues for all that had 40*l.* per annum to come in and receive the order of knighthood.

3 A day of thanksgiving was kept for the ceasing of the plague. In London and the out-parishes this year died 54,265 persons, whereof of the plague 35,417.

The king's coronation was performed with the usual ceremonies and solemnities by bishop Laud; only the king's robe was white satin, because (as some say) purple could not be then had.

The bishop of Lincoln, having received no writ of summons to this parliament, desired the king that he might make his proxy, and besought him to mitigate the duke's causeless anger towards him.

Speeches to the parliament.

The parliament being met, the lord keeper made a speech to them, of the benefit and constitution of parliaments; and the king's love of them, and his striving whether he should be *major* or *melior*, a greater king or a better man; and that the causes of calling them were to make good laws and to execute justice.

Then the king approved of the speaker, who made an harangue suitable to the times; extolling the king, and praising monarchy, parliaments, bishops, lords, commons, laws, judges, and all that were in place; and inveighing against popery and the king of Spain. And concluded with the usual prayer, that his majesty would allow the privilege of parliament, freedom of debate, and access to his royal person.

The commons began to fall upon the public grievances; the miscarriage of the late voyage to Cadiz; the misemployment of the king's revenue; evil counsels; favouring of pa-

pists; the loans, taxes, and many other, which they referred to committees. They likewise exhibited articles against Mountague.

The privy council required the bishop of Durham to apprehend such of his majesty's subjects as should be present at mass, and to commit them to prison: and the king's attorney sent letters to the judges, to direct their strict proceedings against recusants in their circuits.

The commons questioned the seizing of the ship, The Peter of New Haven, by sir James Bag; upon which, our merchants' ships and goods were seized in France; the duke said, he would justify it by the king's order. The council of war for the business of the palatinate were called into the house of commons, but made no clear answer.

The king by message and the lords press the commons for supplies. They proceed as to the grievances by the method of evils and remedies, and resolved,

Grievances.

1. That the diminution of the kingdom in strength and honour is an evil which we suffer under.
2. The increase and countenancing of papists.
3. The not guarding of the narrow seas.
4. Pluralities of offices in one hand.
5. Sales of honours and places of judicature.
6. Delivery up of ships to the French.
7. Misemployment of three subsidies and three fifteens.

They ordered, that the duke, on whom these misdemeanours chiefly reflected, should have notice of the intention of the house of commons suddenly to resume the debate of these things.

There served in this parliament in the house of commons many persons of extraordinary parts and abilities, whose names are in the list of those times.

Mr. Clement Coke, in his speech in the house of commons concerning grievances, said, that it were better to die by an enemy than to suffer at home.

The lords, ready to comply with the king's desires, appointed a committee to consider of the safety and defence of the kingdom and safeguard of the seas. The committee advised one fleet to be presently set out against the king of Spain, and another to guard our coasts and merchants: this was sent to the house of commons, but not well resented by them.

The king's letter to the speaker.

The king sent a smart letter to the speaker, pressing for present supplies; and promising redress of grievances, presented in a dutiful and mannerly way; and this was further urged by sir Richard Weston, to know without further delay of time, what supply they would give unto the king.

And speeches.

To this the commons returned a general answer, promising a supply: the king replied, as to the clause of presenting grievances, that they should apply themselves to redress grievances, not to inquire after them. And said, "I will not allow any of my servants to be questioned among you, much less such as are of eminent place, and near unto me. I see you especially aim at the duke: I wonder who hath so altered your affections towards him."

Then he mentions the honour that the last parliament of his father expressed to the duke; and labours to excuse him: and concludes, "I would you would hasten for my supply, or else it will be worse for yourselves; for if any evil happen, I think I shall be the last that shall feel it."

This was suspected to be the advice of the popish councillors, to cause a breach betwixt the king and his parliament; who thereupon mentioned the duke as the chief cause of all public miscarriages: and Dr. Turner, a physician, propounded his queries to that purpose.

Common fame.

Upon the opinions of sir Thomas Wentworth, Noy, Selden, and others, the house voted, that common fame is a good ground of proceedings for that house.

The king sent a message to the commons by sir Richard Weston; that he took notice of the seditious speech of Mr. Coke, and of Dr. Turner's articles against the duke of Bucks; but indeed, against the honour and government of the king, and of his father. That he cannot suffer an inquiry on the meanest of his servants, much less against one so near him: and wonders at the foolish impudence of any man, that can think he should be drawn to offer such a sacrifice, much unworthy the greatness of a king and master of such a servant. He desireth the justice of the house against the delinquents; that he be not constrained to use his regal power and authority to right himself against these two persons.

Dr. Turner explained himself, and said, that to accuse upon common fame was warranted by the imperial laws, and by

the canons of the church; that this house, in the time of Henry the Sixth, did upon common fame accuse the duke of Suffolk: and that sir Richard Weston himself did present the common undertakers upon particular fame.

The next day, Dr. Turner wrote a letter to the speaker, to excuse his not attending the house, by reason of sickness, and submitting to their judgments, but not acknowledging any fault.

Sir John Elliot made a bold and sharp speech against the duke, and present grievances; yet in the midst of those agitations, the commons remembered the king's necessities, and voted to grant three subsidies and three fifteens.

Upon a message from the king, both houses attended him at Whitehall, where he gave the lords thanks and shewed the 4
commons their errors, and referred particulars to the lord keeper, who in a plain speech assured the commons, that after the great affairs settled, and satisfaction to the king's demands, he would hear and answer their just grievances. Tells them, that his majesty excepts to the not punishing of Coke and Turner: he praiseth the duke, and his merit from king and parliament, and declares the king's pleasure, that they proceed no further in the inquiry touching the duke: and saith, that the supply voted is not suitable to the engagements; requires a further supply, and their resolution thereof by a day, else they are not to sit longer, nor will the king expect a supply this way.

Then the king spake again, and mentioned Mr. Coke, and said, it was better for a king to be invaded and almost destroyed, by a foreign power, than to be despised by his own subjects. And bids them remember, that the calling, sitting, and dissolving of parliaments was in his power.

Being informed that the house of commons ordered their doors to be shut whilst they debated hereof, and that they misunderstood some passages in his speech and in the lord keeper's, the king ordered the duke at a conference of both houses to explain it.

Which being done, the duke gave them an account of the business in Spain, and endeavours to vindicate himself in that and all his negotiations both at home and abroad, since his being at Oxford; and that he did nothing in single councils: excuseth his not going with the fleet, his master

commanding him into the Low Countries, to treat with the king of Sweden, of Denmark, and the States.

Then the lord Conway made a large vindication of the duke in the public transactions.

The lords petitioned the king against the precedency challenged by the Scotch and Irish nobles; to which the king answered, that he would take order therein.

The lord Conway wrote a second letter to the earl of Bristol by the king's command, to know, whether he would choose to sit still, without being questioned for any errors in his negotiation in Spain, and enjoy the benefit of the late pardon, or else would wave the pardon, and put himself upon a legal trial. Bristol, in answer, would not wave the pardon, nor justify himself against the king, and so makes a doubtful answer.

Bristol's petition.

Then he petitions the lords for his right of peerage, to have a writ to attend the house, and that, after two years' restraint, he may be brought to his trial in parliament.

The lords pray the king, that Bristol, and other lords whose writs are stopped, may have their writs; and they had them: and the duke shewed the lords a letter from the king to Bristol, charging him, that when the king came first into Spain, Bristol advised him to change his religion, and that he prejudiced the business of the palatinate.

Bristol, by petition to the lords, acquaints them, that he had received his writ to attend the parliament, but withal a letter missive from the lord keeper, signifying his majesty's pleasure that he should forbear coming to the parliament, which how far it might trench upon the liberty and safety of the peers, was too high a point for him; but he submits it to the lords, and prays that he may answer for himself, and sends with his petition a copy of the lord keeper's letter and his answer to it.

Message from the king.

Hereupon the lord keeper delivered a message to the lords from the king, accusing Bristol of undutifulness, disrespect, and scandal to the king, and desires he may be sent for as a delinquent, to answer his offences in Spain, and since, and for scandalizing the duke.

The marshal of Middlesex by petition shewed to the commons, that he by warrant searched in the Clink prison, and was resisted; but found there four priests, and their altars,

crucifixes, books, papers, &c. That the priests giving notice hereof to the archbishop, before they had done, a warrant came from the archbishop and Mr. Attorney, that they should not search any further, nor remove any thing from thence: the archbishop said, that the searching for those priests was a design of the Jesuits to take the priests, and send them to Rome to be put to death, for writing in defence of the oath of allegiance.

The commons caused every member of their house in his place to make a particular protestation, whether they heard Mr. Coke speak the words charged upon him or not. And every one denied the hearing of those words spoken by Mr. Coke.

After which the commons presented a remonstrance to the king, in answer to his and the lord keeper's speech; denying the words to be spoken by Mr. Coke, and excusing Dr. Turner, and avowing their proceedings against the duke or any other subject; and pray the king not to give ear to officious reports of private persons for their own ends.

The king chargeth the bishops in the case of the duke and Bristol, to follow only proofs, and not rumours.

The commons sent to the duke, that they were passing of articles against him, to which he might answer if he pleased; but he acquainting the lords therewith, they would not permit it.

Bristol was brought to the bar by the lords' order, and articles exhibited against him of high treason and other crimes, in the name of the attorney general.

Articles against Bristol.

I. That he traitorously assured king James, that the emperor and king of Spain would restore the palatinate, and that the king of Spain would consent to the match with our prince, which they never intended: and that was known to Bristol, who delayed the treaty.

II. He did not execute the commands of the king, nor put the king of Spain to a punctual answer, to the detriment of our king and his allies.

III. That he persuaded king James not to break with Spain.

IV. That he said, he cared not what the success of the treaty would be, but he would make his fortune thereby.

V. That he intended to introduce popery here, and persuaded king James to grant a toleration thereof.

VI. That he occasioned the prince's journey into Spain to his great hazard.

VII. That in Spain he persuaded the prince to change his religion.

VIII. To the same purpose.

IX. That he persuaded that the prince elector's eldest son should be bred up in the emperor's court.

X. That he would have dispatched the desponsaries, notwithstanding the prince's commands to the contrary, if extraordinary diligence had not prevented it.

XI. His contemptuous and scandalous petition to the lords' house.

After this, Bristol presented articles against the duke, which were received: and Mr. Attorney being asked by the earl for a relator, said that the king had commanded it. Bristol replied, that he would not contend with his sovereign, but that it might be of dangerous consequence if the king should be accuser, judge, witness, and have the confiscation. He desires that the lord Conway might not meddle, and that he might have the use of certain papers; which was granted him.

After which, he proceeded to a large declaration of the whole business between the duke and him, and laid it home upon the duke, with an implication, that shortly after the probability of his being restored to king James his favour, the king sickened and died, having suffered much; and to his dying day reputed and said, that Bristol was an honest man.

Then he set forth the business of his writ, and the prohibition of him to sit: and that after he had accused the duke, then articles of high treason were exhibited against him; yet the duke is in favour and sits as a peer, and he is a prisoner.

Articles by Bristol against the duke.

The articles preferred by Bristol against the duke were,

I. That he plotted with Gondamer to bring the prince into Spain, to change his religion.

II. That Porter was sent into Spain for this end.

III. That in Spain the duke absented from service in Bristol's house, and frequented the popish service, and adored their sacrament, and conformed to their rites.

IV. That he procured king James to write a letter to the pope for the dispensation, and to style him *Sanctissime Pater*.

V. That the pope sent a bull to the duke to encourage him in the perversion of the prince.

VI. That by his behaviour in Spain he so incensed that king and

his ministers, as they would admit of no dealing with him, and that he brake that match out of his particular ends and indignation.

VII. That he made use of the prince's letters to his own ends, and concealed divers great things from him.

VIII. That as he had abused the king, so he abused both houses, by a sinister relation of those affairs.

IX. The scandal of his personal behaviour in Spain, and procuring favours for unworthy persons there for hire of his lust.

X. That he hath been the great cause of the ruin of the prince palatine.

XI. That he had wronged Bristol in his relations to the parliament, in his honour and liberty.

XII. That Bristol revealed these matters to the late king, who said he would hear him against the duke; which the duke heard: and not long after the king sickened and died.

The earl also exhibited divers articles against the lord Conway, as the duke's creature, and unfit to be one of his judges; and the particular injuries he did to Bristol.

The lords did not commit the earl, and ordered the articles against him to be first heard: and then his against the duke; yet saving his testimony against the duke.

The king took in highly with the duke, and would have removed the earl from the lords' house into the king's bench, but the lords would not permit it.

In this parliament were several resolutions touching trials there, which are faithfully collected by Rushworth, pp. 271, 272. They ordered, that no peer should have above two proxies.

Bristol's answer to the charge.

Bristol delivered in his answer to the charge against him, and made a speech of introduction, to clear the objections of his ill affection to religion, and his too much affection to Spain; and made a short history of his life and negotiations.

With his answer, he produced several letters of thanks for his care; first, in the business of the palatinate, and then answers punctually to every article touching the match with Spain, and produceth the declaration for privilege to the Roman catholics, little less than a toleration.

And he laid much blame on the advisers of the prince's journey to Spain, and sets forth his own care and industry to hinder the duke's designs then of persuading the prince to change his religion: and that the duke never persuaded or

advised the prince to be constant in the protestant profession.

He confesseth, that in discourse he delivered his opinion for the match of the palzgrave's son with the emperor's daughter; so that the son (if he were bred in the emperor's court) might have protestant tutors, and freedom of religion for him and his family.

He justifies the performance of his instructions in every point, and declares the advantages of that match with Spain; he avows his former petition not to be scandalous; that he intends nothing but honour and service to the king; and humbly submits all to the judgment of the lords.

Articles of the commons against the duke.

At a conference with the lords, the commons sent up an impeachment against the duke of Bucks, managed by eight of their members. Sir Dudley Digges made an eloquent introduction, comparing England to the world, the commons to the earth and sea, the king to the sun, the lords to the planets, the clergy to the fire, the judges and magistrates to the air, the duke of Bucks to a blazing star.

The articles were,

I. The sale of offices and multiplicity of great offices in the duke.

6 II. His buying the office of admiral from the earl of Nottingham, and procuring the king to give satisfaction to the earl for it.

III. The like for the offices of warden of the Cinque Ports and constable of Dover.

IV. The neglect of the duty and trust of his office of admiral, whereby pirates infested our coasts and trade decayed.

These were aggravated by Mr. Herbert.

V. Touching the ship Peter of New Haven, which being brought in, some of her goods and jewels (to the value of twenty thousand pounds) were taken out of her, and delivered to a servant of the duke, and after an order to release the ship; yet the duke kept the goods, and stayed the ship still; and thereupon our merchants' goods were seized upon in France.

Selden enlarged upon this article; and the prejudice of not guarding the seas, and the king's right to it.

VI. His extorting of ten thousand pounds from the East India merchants by staying of their ships.

VII. His procuring the ship Vanguard and six merchants' ships to be put into the hands of the French king, and compelling the owners to it; which ships were employed by the French king.

VIII. That these ships to his knowledge were to be used against Rochel.

These articles were aggravated by Glanvil.

IX. Sale of honours procured by him, and for his profit, and the lord Roberts threatened, if he did not give ten thousand pounds to the duke for his title; which he did give.

X. He sold the office of treasurer to the lord Manchester for twenty thousand pounds; and the office of master of the wards to sir Lionel Cranfield for six thousand pounds.

XI. His procuring titles of honour for his kindred and allies, and pensions from the king to support their titles.

These were aggravated by Mr. Pym.

XII. His embezzling the king's money, and procuring grants to himself of crown lands of a great value.

Upon this Mr. Sherland enlarged, and computed the sum of his gifts to two hundred eighty-four thousand three hundred ninety-five pounds.

XIII. The plaster and potions which the duke caused to be given to king James in his sickness, a transcendent presumption of a dangerous consequence.

This was aggravated by Mr. Wandsford, and sir John Elliot made the epilogue to the impeachment.

Sir Dudley Diggs and sir John Elliot were committed to the tower; and the king came to the lords' house, and told them of it: and that he could clear Bucks of every one of the matters whereof he was accused.

D. Diggs and sir J. Elliot committed to the tower.

The commons, by message to the lords, desire the duke may be committed; and the duke in the lords' house desires that his trial may be hastened.

The commons, upon commitment of their members, caused the door of the house to be shut, and would not proceed in any other business till they were righted in their liberties.

Whereupon sir Dudley Carleton in a speech told them, that in other countries, particularly in France, they had formerly parliaments, as we have, but when their parliamentary liberty was turned into tumultuary license, and their kings found how those councils endeavoured to curb them, they took away and abolished those parliaments; and now the common people, wanting good food, looked more like ghosts than men, and went in canvass clothes and wooden shoes.

At these words the house cried out, "To the bar! to the bar!" and his friends and explanations had much ado to

keep him from being brought upon his knees to the bar for his speech.

But he went on, and told the house, that sir Dudley Diggs, in his prologue to the duke's impeachment, speaking of the plaster applied to king James, said, that he did forbear to speak further, in regard of the king's honour; which his majesty conceives to be to his dishonour; and that sir John Elliot was so uncivil and bitter against the duke in his epilogue, that the king thought fit to commit them both.

Hereupon every member of the house made severally a protestation, that he did not give any consent that sir Dudley Diggs should speak the words charged upon him. Sir Dudley Diggs, being released out of prison, protested that he never spake those words, and the king was satisfied that he did not; but the duke moved, that every lord might produce his notes at the conference, and at length thirty-six of the lords made a voluntary protestation, that they did not hear sir Dudley Diggs speak those words at the conference.

Not long after sir John Elliot was released, who excused and justified the passages of his speech objected against him, and by vote the house justified him and sir Dudley Diggs, and all the rest of the managers of the impeachment.

The lords were discontented at the commitment of the earl of Arundel, about his son's marriage with the duke of Lenox his sister, and with breaches of their privileges: and upon the release of sir Dudley Diggs and sir John Elliot the lords petitioned the king for the earl of Arundel's release: the king sent a message that he was committed for personal misdemeanours against the king, and not for any matters of parliament.

The lords petition for Arundel's release.

The earl of Arundel had five proxies, which were lost by his imprisonment, and no precedent was found of any peer committed sitting the parliament, except that of the bishop of Winchester in Edward the Third's time.

The house of lords voted (*nemine contradicente*) that no
7 lord ought to be committed, sitting the parliament, but by judgment of the parliament, except for treason, felony, or breach of the peace. And in pursuance thereof, they voted a remonstrance to the king, to declare their right, and to pray his majesty to release the earl of Arundel; which was presented, but no answer being given to it, the lords presented

another petition to the king, for an answer to their former petition; to which the king returned his dislike.

The exception taken by the king was at the words *to have a present answer*, whereupon the word *present* was left out in a new petition; which pleased the king, who sent for the lords to Whitehall and courted them, but thinks they mistrust him; and shews the difference of the cause of commitment of the members of the house of commons and the earl of Arundel; and saith, he hath just cause of detaining the earl of Arundel in prison, which he will acquaint them with as soon as possibly he can.

The lords present a new petition to the king, that he would be pleased to release the earl, or to declare the cause of detaining him in prison; that it was contrary to their privilege. To which the king answered, that he would give them satisfaction before the end of this session. The house adjourned till the next day, and after that for a week, and then at their meeting the king signified to them, that he would within a fortnight either release the earl or shew the cause. And at the new meeting of the lords, the king took off the restraint of the earl of Arundel.

The commons committed Mr. Moor one of their members for speaking words reflecting upon the king.

At this time Cambridge chose the duke of Bucks for their chancellor, to please the king, and shew their dislike to the commons. The earl of Berks' name was in competition, but he had too much courtship and too little spirit to contest, and so he desisted.

The house of commons would have interposed by their letter against the duke's choice; but the king forbad it, challenging those matters to belong to him, and justified the duke to the house, and by letter to Cambridge approved their choice of the duke.

The duke with an ingenious speech ushered in his answer to the impeachment of the commons, whom he courted, yet justified himself, and said, that his accuser, common fame, was too subtle a body for him to contest with; and he doubted not but in time it would be found that common fame had abused both them and him.

His answer to the several thirteen articles against him was distinct, and in most of them carried a fair colour, and the

chief strength of his answer was upon the knowledge of the king and his father, and their direction of the particular passages; with his obedience thereunto, and following the advice of the council.

He denies having the twenty thousand pounds of the earl of Manchester, or six thousand pounds of the earl of Middlesex, or the ten thousand pounds of the East India company; but saith, the king had those sums, and the earl of Manchester had satisfaction by the king's lands for the twenty thousand pounds, and the six thousand pounds was given by the king to sir Henry Mildmay.

He absolutely denies that he applied the plaster, or gave the drink to king James in his sickness; but the king knowing that the duke had been cured of an ague by a plaster and a drink, the king would have them, and took them, some of his physicians then being present, and allowing them, and tasting the drink: he concludes with praying the benefit of the general pardon of king James, and this king's coronation pardon to be allowed him.

The king sent to the commons to quicken them about the subsidies. They petitioned the king about recusants, and named those in places of government and trust, and pray they may be put out; and by their desire they attend the king, where by their speaker and in writing they profess their affection and loyalty to the king; but they desire that his majesty would not permit the duke to have any more access to him.

They agreed upon a remonstrance against the duke, and concerning the king's taking of tunnage and poundage, though not granted to him by parliament. And this they did, because they heard that the king intended to dissolve the parliament, and by petition they prayed him not to dissolve it; but the king would not receive the petition, but said he was resolved to dissolve the parliament, and directed a commission for that purpose; and accordingly the parliament was dissolved June the fifteenth one thousand six hundred twenty-six, unhappily.

Thus this great, warm, and ruffling parliament had its period.

The commons dispersed copies of their intended remonstrance (which is in Rushworth's Collections) with the grounds

and causes held forth by the king's declaration for dissolving this and the former parliament; and the king published a proclamation against the parliament's remonstrance, and for the suppressing of it.

Sir Thomas Chamberlain, chief justice of Chester, died, and sir John Hobert, baronet, chief justice of the common pleas, who was a learned judge, a grave and smooth man.

After the parliament was dissolved, the king caused an information to be preferred in the Star-chamber against the duke of Buckingham for the same matters contained in the articles of impeachment in the parliament against him; to which the duke put in his answer, and witnesses were examined, but it came not to hearing.

The privy council advised the king to take tunnage and poundage, and an instrument to be passed under the great seal for his taking of it, until it could be passed by parliament.

A commission issued to compound with recusants.

The king required a loan of money, and sent to London and the port towns to furnish ships for guard of the seas. Noy his attorney, a great antiquary, had much to do in this business of ship-money. The deputy lieutenants, and justices of Dorsetshire, excused themselves, and said the case was without precedent.

London being rated twenty ships, desired an abatement; the council denied it; and in answer to their precedents, said, that the precedents in former times were obedience, and not direction.

A benevolence was likewise required.

Then a general fast was appointed.

Commissions issued out for musters; and power of martial law was given, and the inhabitants of the sea-coasts required to repair to and dwell upon their estates.

Ships were sent by our king to the Elbe, which discontented the Hamburghers: they were recalled.

The king of Denmark declares to assist the elector palatine against the emperor.

Tilly fights with him and gives him a defeat. Our king requires a general loan, according to the rate of the subsidy, with promises to repay, and that it shall be no precedent.

To the imposing of loans was added the billeting of sol- 8

diers: martial law was executed, and the soldiers committed great outrages.

Sir Randal Crew, chief justice, not favouring the loan, was put out of his place; and sir Nicholas Hide, who drew the duke's answer in parliament, was preferred to be the chief justice.

The bishop of Lincoln, for speaking words against the government, and for countenancing nonconformists, was complained of by sir John Lamb and others; and they informed, that fasts were kept, and money collected by the puritans for the palatines; and that the bishop would not proceed against them.

The bishop got a copy of the informations against him.

Bishop Laud was jealous that Lincoln endeavoured to be reconciled to the duke.

Six thousand English in service with the States were commanded thence under general Morgan, to join with the king of Denmark.

Some who refused to lend money to the king were forced to serve in the king's ships then going forth; and refusers in the country were some of them committed, and the meaner sort pressed to serve as soldiers.

Dr. Sibthorp published a sermon, preached by him to promote the king's affairs; wherein he delivered his opinion, that the king might make laws, and do whatsoever pleaseth him. Dr. Mainwaring preached the same divinity, and highly against the power of parliaments.

The papists were forward in the loan, and the puritans were recusants in it.

According to the leave I had from my father, and by his means from the several judges, I rode all the circuits of England to acquaint myself with my native country, and the memorable things therein.

About this time the earl of Denbigh had one hundred sail of ships under his command in our seas, but his excellency having no commission to fight, suffered divers English vessels to be taken away by our enemies in his view, without rescue by their countrymen.

Some ships, taken for prize, being brought before him as admiral, it was wondered at that almost all of them were by him adjudged to be no prize, and so released: but one cap-

tain pursued a released ship and took her again, brought her to London, and in the admiralty she was adjudged prize, and he enjoyed the benefit, whatever the earl of Denbigh did before.

Distastes and jealousies were raised about the government of the queen's family; wherein the king held himself traduced by some of her French servants, who said that the king had nothing to do with them, he being an heretic.

The queen French servants sent home.

The queen was brought to insist upon it, as part of the articles, that she should name all her servants, and some unkindness arose upon it. The king was also distasted, that her priests made the queen to walk to Tyburn on penance.

Upon these passages the king dismissed and sent back into France all the queen's French retinue, acquainting the French king with it, and excusing it to him; but it was ill resented in France, and by them held contrary to the articles of marriage.

The jarring with France brake out to an open war, which was fomented by an abbot here, in disfavour with cardinal Richlieu, to put an affront upon the cardinal; and Mr. Walter Montague endeavoured to further it: and the pretence was, to assist those of the religion in France.

A war with France.

Our king took that ground, and the denial of count Mansfield's men to land in France, and the influence of the counsels of the house of Austria upon those of France, and the embargo of our merchants' ships there, sufficient causes for a war.

The duke of Bucks is appointed admiral and general of the sea and land forces prepared against France. And hath power to make knights, &c.

The duke of Bucks before Rochel.

He comes before Rochel with one hundred sail of ships, and desires them to join with him in behalf of the protestants in France; but the Rochellers, returning thanks to our king and to the duke, answered, that they were bound by union and oath not to do any thing without the consent of the rest of the religion.

The duke was advised to land his men at the isle of Oleron, which was weak and ill provided, and not at the isle of Rea, which was strong and well provided; but he altered his design and sailed to Rea, and there landed twelve hundred men, whom the French encountered; but

the English forced their way, and all the army was landed in the island.

Yet did they not take their advantage against the French, but suffered the governor to have five days to recover his loss, and to get in (as he did) new forces and provisions; in the mean time the duke published a manifesto of the causes of this war, particularly the king of France his employing our ships against Rochel, contrary to his promise and agreement.

Refusers to pay the loan imprisoned.

The gentlemen here who refused to pay the loan were confined into other counties, and in close imprisonment, and some of them in common gaols: sir John Elliot, one of them, in a petition to the king sets forth the illegality of the loan, or of any tax without parliament; taking this way to inform the king what his council did not; and he allegeth his conscience not to submit to it, and prays his liberty, but could not obtain it.

Archbishop Abbot suspended.

Sir Peter Haiman, another refuser, was sent upon an errand as far as the palatinate. The archbishop Abbot was suspended for refusing to license Dr. Sibthorp's book, a sermon for absolute power; and a commission was granted to several bishops to exercise the archiepiscopal jurisdiction.

Of all which proceedings touching himself, the archbishop left a grave and ingenious narrative, which may be read at large in Rushworth's Collections.

Habeas corpus.

Five of the imprisoned gentlemen by *habeas corpus* were brought to the king's bench; and (by their counsel assigned) took exceptions to the return, for that it had not the cause of their commitment, but of their detainer in prison, *per speciale mandatum regis*, which is no particular cause, and the law being most tender of the subjects' liberty. Noy, Selden, Bramston, Calthorpe, and others who were of counsel for the prisoners, prayed they might be released and discharged.

Heath, the king's attorney, at another day argued in maintenance of the return. Hide, chief justice, declared the opinion of the court, that the return was positive and absolute, by the king's special command, and the signification of it by the lords of the council is only to inform the court. And that the *habeas corpus* is not to return the cause of the imprisonment, but of the detention in prison; that the matter

of this return is sufficient, and the court is not to examine the truth of the return, but must take it as it is. So the prisoners were remanded. The report of this case may be found in Rushworth's Collections.

The king resolves to send supplies to the isle of Rea; and 9
soldiers and mariners are pressed for that purpose, but many of them, not liking the business, run away from their conductors; hereupon it was resolved by all the judges, that if one be retained to serve the king beyond seas, and press money delivered to him, and by indenture he be delivered to a conductor to lead him to the port where he is to be shipped, and he run away from the conductor, that this is felony by the statutes 7 Hen. VII. ch. 1. and 3 Hen. VIII. ch. 5.

The earl of Holland is appointed to carry the supplies to Rea. The governor of the island gives notice of his wants to the French king, and hath relief sent him: the French king blocks up Rochel to be near to Rea, and supplies the fort there. The Rochellers and Rohan declare for the English.

The governor of Rea gets leave of the duke to send to the French king, pretending to surrender the fort, and so gains time; the duke begins to batter the citadel, then purposeth to go away; then alters his resolution, and storms the fort, but in vain; whereupon he raises the siege and retreats towards his ships.

The French pursue, and in a narrow causey, with salt-pits on each side, the duke having made no works or provision for his safe retreat, he is attacked by the French, and after a valiant defence, especially by the English foot, the French by the advantage of the place gave a great blow, and slew many of the English, yet the rest got to their ships. The English beaten at the isle of Rea.

The duke is blamed for many neglects; he lays it upon the council of war, and the earl of Holland's not coming with supplies in time; Holland and the council of war excuse themselves: the people generally cry out against the duke, and are greatly discontented at this unfortunate action; the mariners are tumultuous, and many mischiefs do arise.

The Rochellers send to our king for relief, and pray his mediation for the protestants, in case a treaty of peace be between him and their king. They set forth their great straits and distresses, and entreat a general collection for their relief.

At this time a resolution is taken to call a parliament; and in order thereto, the imprisoned gentlemen are released, who are in several places chosen to be members of this new parliament: directions are given to use moderation in the business of the loan money. The archbishop, the bishop of Lincoln, and others in disfavour, have their writs to sit in parliament.

Yet a commission of excise is granted, and moneys are disbursed for the raising of German horse: the Jesuits hope well of this intended parliament.

A parliament, March 17. The king's speech.

Which being met, the king spake to them to expedite their business; acquaints them with the common danger, moveth for supplies, and tells them if they do not their duty, he must use such other means as he may to prevent ruin; that he will gladly forget and forgive what is past, and hopes they will not follow former courses of distraction.

Lord keeper's speech.

Then the lord keeper enlargeth in his speech, acquaints them with the general estate of affairs in Christendom, the enemies and dangers to this kingdom; persuades to supply and to speed, and assures in the king's name forgetfulness of any former distastes, and all affections of his majesty unto parliaments.

Grievances.

First, the parliament petition for a public fast, then they debate of the grievances, of billeting of soldiers, loans, benevolences, privy seals, imprisonment of refusers, not bailing them upon *habeas corpus*, and they incline to give no supply till these were redressed, and the point was, whether to begin with grievances or with supplies.

The courtiers were moderate, high complaints were made of deputy lieutenants, compared to janizaries. The business of the *habeas corpus* was examined, and found that Mr. Attorney had caused a draught of a judgment to be made, and pressed to have it entered upon the record; but the judges would not permit it to be done. My father and other judges of the king's bench spake in the lords' house in justification of the proceedings of that court in this case.

After long debate, it was resolved unanimously by the commons,

Resolutions in parliament.

1. That no freeman ought to be imprisoned without cause shewed, either by the king or council.

2. That a *habeas corpus* in that case ought to be granted.

3. That if no cause of commitment be returned, the party is to be bailed.

They also voted, that no tax ought to be imposed without assent of parliament.

March 26, 1628.—Then the king's proposals were taken into consideration for supplies. They had a conference with the lords touching recusants, and their hierarchy here secretly exercised. They agreed upon a petition to the king, that the laws against Romish priests might be executed, that children may not be transported beyond sea to be bred papists, that recusants may be confined according to law, that they may not be permitted to resort to ambassadors' houses to mass, that they may not be in offices, that the judges be commanded to put the laws in execution against them, and to give an account thereof, and that recusants' children may be brought up in the protestant religion. All which the king granted.

The commons also voted, that no freeman ought to be confined by the king, privy council, or others, but by act of parliament or due course of law. Vote.

And they debated the point of foreign employment against one's will.

They had a message from the king to convince some false reports that had been raised of what had passed at the council; and that the duke spake nothing against the parliament, but was the first mover for it.

Upon a second message, they unanimously vote five subsidies, with which the king was much pleased, and the duke highly extolled it; whereof secretary Coke informed the house, but exception was taken that the duke's name was mixed with the king's. Five subsidies voted.

The commons at a conference acquaint the lords with their resolutions touching the subjects' liberty and right, confirmed by seven acts of parliament, in point; Magna Charta being one, twelve presidents in terms, and thirty-one more, and the reason cleared. The subjects' right.

The king desires that the commons would make no recess at Easter. This is excepted to, as against their privilege, who may adjourn when they please. They resolve that grievances and supply shall go hand in hand together. Privilege.

An unpleasing message comes to them from the king, Message.

which raised debate, and the speaker delivered to the king a
Petition. petition touching billeting of soldiers, and an excuse touching the king's supply that they did not delay it. They vindicate their own proceedings, and pray not to be misunderstood.

The matter of billeting of soldiers, and the unlawfulness and miseries of it, were fully opened in the petition; and present remedy prayed of that insupportable burden.

Acts of state. The lords and commons debated the point of marshal law, and touching a petition of right, against which the king's sergeant Ashley argued, that the proposal of the commons tended to anarchy, and that they must allow the king to govern by acts of state; for which the lords committed him, and he recanted.

At a free conference, the lords and commons debated of proposals to the king, touching the property and liberty of the subject, made by the lords, with which the commons were unsatisfied.

The king pressed for supplies, and declared that he holds Magna Charta and the other six statutes to be in force, and will govern according to law. And it was advised to rely upon the king's promise, but all were not satisfied to do it; and a bill was ordered to be drawn concerning the substance of Magna Charta, and the other six statutes.

Royal word. The king sends another message to the commons to know if they will rest on his royal word, which he will perform. They debate upon it, and some say his word is to be taken in a parliamentary way.

Message. He sends another message to hasten them; and that he will end this session within a sennight. The commons attend him, and answer his messages, give him humble thanks for them, and desire that by a bill they may satisfy the people of their rights; and that they do not intend to encroach upon the king's prerogative.

The king is contented that a bill be passed to confirm Magna Charta and the other six statutes without additions.

Message. After this, by another message they were pressed to rely on the king's word. In the debate hereof, the door of the house

Petition of right. was shut. They resolve upon the petition of right, and present it to the lords for their concurrence; and resolve the times of payment of the five subsidies.

The lords at a conference acquaint the commons with a

letter from the king to them, wherein he much insists upon some cases of commitment so transcendent that they may not be discovered, and which are above the capacity of the judges; but promiseth to observe the laws, and agrees that Magna Charta and the other six statutes are in force, and desires expedition. The lords propound an addition or saving to the petition of right, not to infringe sovereign power. Letter from the king. Sovereign power.

The commons did not like the word *sovereign power*, nor any saving in the petition of right, and gave their reasons at a conference with the lords, why they could not agree to this saving. The lords were satisfied, and both houses concurred; then the bill of subsidies was read and committed.

A charge was brought into the house by Mr. Pym against Dr. Manwaring, that he by his divinity endeavoured to destroy the king and kingdom. Dr. Manwaring.

The fleet under the command of the earl of Denbigh sailed to Rochel, and finding there some French ships, would not assault them, though fewer and weaker than themselves by many degrees; but after shewing themselves only, they returned and left Rochel unrelieved.

The council here being informed thereof, and some parliament men, letters were sent from the council to the duke, to order the carl of Denbigh to go again and to relieve Rochel.

Both houses presented to the king the petition of right; he promiseth a gracious answer. The petition is read, and his answer was, that right be done according to law, and the statutes be put in due execution. Answer to the petition of right.

This answer did not satisfy the commons, and in debate of it, sir John Elliot fell upon the public grievances, and moved that a remonstrance of them might be made to the king, but this was by some held unseasonable, yet it was seconded, and a committee made about it.

The king sends to the house, that he will not alter his answer, and intends to conclude this session within a week. They send to the lords the charge against Manwaring for his sermons, that the subjects under pain of damnation ought to pay the loan, and obey the king's will in all things. He is sentenced by fine and imprisonment, disabled to have any ecclesiastical preferment, and to make a submission. Message. Manwaring.

The king sends another message to the commons not to entertain any long business, for that he will keep his time of Message.

concluding this session; and that they lay no aspersions upon the government or ministers of state. Hereupon sir Jo. Elliot beginning to speak, the speaker, fearing that he intended to fall upon the duke, rose up and said, there is a command upon me, that I must command you not to proceed in this matter.

The commons declare, that no undutiful speech hath been spoken by any member. Sir Ed. Coke named the duke to be the cause of all their miseries, and moves to go to the king, and by word to acquaint him; Selden seconds it, and moves for a declaration against the duke, that judgment be demanded against him upon his impeachment in the last parliament.

Message. The king sends to the commons to adjourn till the next day, and they did so; but were in much disturbance, yet Message. upon another message brought by the speaker, the former restraint was qualified; and the king sent also a courting message to the lords.

Petition. Both houses agree to petition the king for a satisfactory answer to the petition of right. The commons proceed about their declaration. They examine the business about raising 1000 German horse under Balfour and Dalbier, and providing arms for them.

Another answer to the petition of right. June 7th. The king gave another answer to the petition of right, *soit droit fait comme il est desiré*, which satisfied the commons and all good men; and is the same in the printed act, and so that excellent law passed.

The commons sent for the commission of excise, presented it to the lords, and prayed that it might be damned. The duke is again named in the house to be mentioned in their intended remonstrance as the cause of all their evils. Sir Hum. May, sir H. Martyn, sir Ben. Rudyard, and others, endeavoured to moderate the house; but they voted the duke to be named in their remonstrance.

Dr. Lambe. Dr. Lambe was set upon in the streets by the rabble, and called *witch*, *devil*, and *the duke's conjuror*, and beaten that he died; the council wrote to the lord mayor to find out and punish the chief actors therein, but none were found.

Votes against bishop Neal and Laud and the duke. The commons voted bishop Neal and Laud to be named in their remonstrance, as suspected to be Arminians; and they named the duke's power, and the abuse of it; and prayed the king to consider whether it were safe that such a person should be so near him.

The remonstrance was perfected, and in it compliments to the king; and the duty of parliaments to make known to him public grievances, which otherwise he could not know; then they mention their fears of some endeavours to introduce popery. Remonstrance.

They shew the favourers of papists, and the favours to them, amounting to a toleration, or little less. The spreading the faction of Arminians, and the practice of popery in Ireland, and the religious houses there newly founded; the fear of the change of government, in the loans, billeting of soldiers, German horse, taking of tunnage and poundage without grant by parliament. The voyages to Cadiz, Rea, Rochel, want of powder, yet then the king's powder sold, the loss of trade, and not guarding the seas. 11

The cause of all the evils they conceive to be, the excessive power of the duke of Bucks, and his abuse of that power; and they submit to the king's wisdom whether it be safe to continue that power, or the duke so near the king's person.

They desire access to the king, and order the speaker (though unwilling) to deliver the remonstrance. The king sends a message that he intends to end this session. The commons proceed in the bill for tunnage and poundage. Message.

By the king's appointment, an order is made in the Star-chamber to take off from the file the bill there against the duke, and his answer, the king being satisfied of the duke's innocency.

The duke denies the speaking of any words at his table against the commons, as one of their members reported; and charged one Melvil a Scotchman, for saying, that the duke intended to put the king upon a war against the commonalty, with the assistance of Scotland, and the like, and that sir Thomas Overbury had poisoned prince Henry by his instigation.

The king cancelled the commission of excise.

The commons order a remonstrance to be drawn of the people's rights; and of the undue taking of tunnage and poundage without the grant of it by parliament, which being ready, the speaker, who was before sent for to the king, came late, and while the remonstrance was in reading, the king sent for the house and spake to them touching it, and took offence that it mentioned tunnage and poundage taken with- Remonstrance.

out grant by parliament, as contrary to his answer to the petition of right; which he excused, and said, he could not want tunnage and poundage.

Parliament prorogued to Oct. 20.

Then he passed the bill of subsidies and other bills, and the lord keeper declared the king's pleasure to prorogue the parliament, which was so done by proclamation.

Manwaring's books were suppressed by another proclamation, and compositionsfor recusants' estates directed by another; and to search for and commit popish priests by another.

Dr. Montague was made a bishop, and Dr. Manwaring (though disabled by sentence) was preferred to a good living, and both were pardoned.

Towards Christmas I was chosen master of the revels, and treasurer of the Middle Temple, and during this Christmas an accident fell out that a young gentleman, one Mr. Basing, died; and in regard he was a gentleman of a good fortune and an officer of quality in this solemnity, the parliament ordered their treasurer to disburse money out of the public stock for his burial, and to take care that he should be decently and fitly carried to his grave, and in such manner as was answerable to his quality and the dignity of his office; which was done; and thereupon a letter was sent to his father acquainting him with his son's death, and the care and respect of the parliament to have him buried answerable to his quality and as his son, and what had been disbursed about the same: and his father refusing to pay it, it was agreed that a bill should be preferred in the court of requests in the treasurer's name against Mr. Basing's father, setting forth the customs of the inns of court for the solemnities of Christmas, and the choice of Christmas officers, with the whole matter relating to Mr. Basing, and to pray that he might be compelled to repay the money so disbursed, with damages. The bill was drawn accordingly, and the honour, customs and societies of the inns of court ingeniously and handsomely at large expressed in it. Mr. St. Asly, St. Hoskins, Mr. Palmer, Mr. Mainard, Mr. Noy, and many other considerable persons, did set their hands to the bill. Upon my carrying the bill to Mr. Attorney-general Noy, he was pleased to advise with me about a patent the king commanded him to draw of association between England and

Scotland concerning the business of fishing, upon which he gave me a fee for it out of his little purse, saying, "Here, take these single pence," which amounted to eleven groats "and I give you more than an attorney's fee, because you will be a better man than an attorney-general, and this you will find to be true." After much other drolling, wherein he delighted and was very good at it, they parted, abundance of company attending to speak with him all this time. Upon the bill being preferred the money was paid, the treasurer distributed the money among the poor prisoners, and not one penny of it came to the public stock, and thus this business had a conclusion, which for the variety, humour, and precedent of it, I thought fit to remember, and it was occasion of much discourse at that time.

The chief baron Walter is put out, and the king said of judge Whitlocke, that he was a stout, wise, and a learned man, and one who knew what belongs to uphold magistrates and magistracy in their dignity, and there was some speech of making him chief baron in the room of Walter; but my father had no great mind to succeed Walter; because Walter alleged that his patent of that office was *quam diu se bene gesserit*, and that he ought not to be removed but by a *scire facias*.

This year died judge Doderidge, a grave and very learned judge, and an excellent scholar, lawyer and orator: in his place in the king's bench came sir George Croke, who was before a judge of the common pleas, a man full of piety, justice, learning in the law, courtesy and hospitality.

Rochel being besieged, the duke was appointed to go with the fleet to relieve it, and being for that end at Portsmouth with much company, he was suddenly stabbed to the heart, by one lieutenant Felton; and fell down presently, crying, "The villain hath slain me," and so died. When some that came in suspected Monsieur Soubise to have done it, Felton stepped forth, and said, "I am he that did it, let no innocent man suffer for it," and so was apprehended, not offering to escape, and was sent to prison.

The duke stabbed by Felton.

The king, notwithstanding, went on with the design to relieve Rochel, and the fleet went thither, but returned without doing any service, being ill provided, and their victuals stunk. Upon this, the Rochellers were so much distressed,

that of 15000 men but 4000 remained alive; the rest perished with hunger. The soldiers that returned, and were billeted up and down, committed great insolencies.

Upon the peace made between England and France, the protestants there for a time had a little more indulgence.

12 Morgan was sent with the lord Vere to Gluckstadt. The privy council wrote to Dalbier, to dispose of the German horse to the king of Sweden or to the king of Denmark.

After the duke of Bucks' death, bishop Laud had great favour with the king.

Parliament prorogued to Jan. 20. The meeting of the parliament was prorogued.

Many in London resort to Felton in prison; he saith he is sorry for his fact, but he was induced to it by the parliament's remonstrance. The same he said to the council, and denied that the puritans or any other set him on, or knew of his purpose.

Bishop Laud told him, if he would not confess, that he must go to the rack; he said, he knew not whom he might accuse, perhaps bishop Laud, or any other, in that torture. The council, by the king's directions, sent to the judges for their opinions, whether he might be racked by the law. They all agreed, that by the law he might not be put to the rack.

Merchants imprisoned for tunnage and poundage. Some merchants were committed for not paying tunnage and poundage according to the king's declaration. Chambers, one of them, brought his *habeas corpus;* and it was returned that he was committed for insolent words spoken by him at the council-table, that the merchants were screwed up in England more than in Turkey; but the words not being in the return, it was mended, and he was discharged by bail; the council were offended at it and rebuked the judges, but they justified what they had done.

Felton. Felton was tried at the king's bench, and had judgment of death; he shewed remorse, and offered his hand to be cut off, which the king desired might be done; but the judges said, it could [not] be done by law, and he was hanged in chains.

Tunnage and poundage. Mr. Vassal was brought into the exchequer for not paying tunnage and poundage; he pleaded Magna Charta and the statute *de tallagio non concedendo;* and that this imposition was not by assent in parliament. The barons refused to hear his counsel, gave judgment against him, and imprisoned him.

Chambers, having his goods seized, sued a replevin; the

barons stayed it, and all other replevins in the like case, by an injunction to the sheriffs, and ordered the double value of his goods to be seized; and the like was in the case of Mr. Rolls.

At the council it was resolved beforehand to justify these proceedings when the parliament should meet; and if the parliament did not pass the bill for tunnage and poundage, then to break it. And those of the council that were members of the house of commons, were directed what to say, if the house should fall upon any of the king's ministers.

The parliament met, and found the petition of right to be printed with some additions; and the copies first printed without the additions were suppressed by the king's order. And they were informed of the seizing of the merchants' goods, particularly of Mr. Rolles, then a member of parliament; and that the customers said, if all the parliament were concerned in the goods they would seize them. These things were referred to a committee. The king sent for both houses, spake to them in justification of his taking tunnage and poundage, until they should grant it to him; wished them to do it, and not to be jealous of the actions of one another; he sends another message to them to expedite that bill, they are troubled that it should be imposed on them, which should first move from them.

Jan. 20.

King's speech.

Message.

They consider of the grievances since the last session; of the increase of Arminians and papists. Pym moves to take a covenant to maintain our religion and rights; they proceed touching religion before tunnage and poundage; and touching the late introducing of ceremonies by Cosins and others, and the late pardons.

Another message comes for tunnage and poundage to be before religion. The courtiers second it. Some bishops are mentioned for introducing the ceremonies. A fast is petitioned for. The king answers, that for our protestant friends abroad, fighting would do more good than fasting; but grants a fast now, so as it be not too frequent.

Message for tunnage and poundage.

The commons make a declaration to the king, why they proceed upon religion before tunnage and poundage; shewing the danger religion is in, and the necessity to secure it, as the chief matter of all other; and therein they court the king, and pray that their proceedings may be acceptable.

The commons' declaration.

The king's answer. The king answers, that this gives him no satisfaction, that any member of their house may bring in any bill; that he who calls them may cause a bill to be brought in to them; and that he will not stop his ear to the matters of religion: and presseth their proceedings for tunnage and poundage.

Grievances. In their debate some accepted against the king's declaration, giving countenance to Arminians and discountenancing puritans. It was moved that the merchants might have their goods restored which were seized for not paying tunnage and poundage; and they sent to the barons of the exchequer, to nullify the injunction by them granted against the replevin sued out by the merchants. The barons justify the injunction in the king's case, but the house was not satisfied.

They take notice of the pardons granted to Manwaring, Sibthorp, and others; and Mr. Oliver Cromwell informed them of the countenancing of popery by the bishop of Winton, and the booksellers' petition saith that books against popery were suppressed, and books in favour of popery were frequently licensed. The house takes these matters into consideration. Secretary Coke tells them the king's zeal against popery. Mr. Attorney gives an account of proceedings against priests, and of the college at Clerkenwell; but to some questions of the house he did not answer, being, as he said, forbidden by the king.

The customers questioned for taking the goods of parliament-men answer, that they conceive no privilege of parliament is in this case. This distasted the house, and being in

Message. debate of it, the king sent a message, that what the customers did was by his order; and that he would not have his particular interest severed from that of his servants, who acted by his command.

The order of the council for levying of tunnage and pouud-

Votes. age was read in the house. They voted the seizing of Mr. Rolles his goods to be a breach of privilege; a hot debate is upon it: the speaker being called upon to put the question proposed, said he durst not, for that the king had commanded the contrary. The house in some disturbance adjourn to a day, and then being met again they wish the speaker to put the former question, but he refused, and said, he had a command to adjourn the house, and endeavouring

to go forth off his chair, some members held him by force in it: others locked the door of the house, and brought up the keys to the table.

Others read a protestation ready drawn, which they voted, and it was, that whosoever should bring in innovation of religion, popery, or Arminianism, and any that should advise the taking of tunnage and poundage not granted by parliament, or that should pay the same, should be accounted enemies to the kingdom. 13 Protestation.

The king sent for the sergeant of the house, but he was detained, the house door being locked; then he sent the gentleman usher of the lords' house with a message, but he was denied admittance till the votes were read; then in confusion the house adjourned to a day, and before that day the king by proclamation dissolved the parliament, and shewed his reasons for it. Message.

Warrants of the council issued for Hollis, Selden, Hobert, Elliot, and other parliament-men, to appear before them; Hollis, Curriton, Elliot, and Valentine appeared, and refusing to answer out of parliament for what was said and done in parliament, they were committed close prisoners to the Tower; and a proclamation for apprehending others went out, and some of their studies were sealed up: these warrants were dated 5 March. Members committed.

On the 10th of March, the day to which the parliament was adjourned, the king in the lords' house (they being in their robes, but the speaker and house of commons not called) spake to the lords, courting them, and said it was merely the seditious carriage of some vipers, members of the lower house, that caused the dissolving of this parliament; but he commended others of the commons. Then he bid the lord keeper to do his office, who said, "My lords and gentlemen of the house of commons," (though the house of commons were not called,) "the king doth dissolve this parliament." Parliament dissolved. King's speech.

The people were discontented, libels were cast abroad, especially against bishop Laud and Weston the treasurer.

The king resolving to proceed in the starchamber against the parliament men who were committed, propounds some questions to the judges.

4 Car. An. 1629. Resolutions of judges.

They resolved that the stat. 4 Hen. VIII, ch. 8, was a particular act, and extended to Strowde only, yet that all members of parliament ought to have like freedom of speech. Upon other questions they agreed,

1. That a subject ought to confess any treason whereof he is informed, or else he is punishable, so that it doth not concern himself.

2. That in this case upon examination, to say that he was a member of parliament, and spake thereof in the house, is in the nature of a plea, and not punishable till it be overruled.

3. That a parliament-man committing an offence against the king or council, not in a parliamentary way, may after the parliament ended be punished, if he be not punished for it in parliament; but that regularly he cannot be compelled out of parliament to answer things done in parliament in a parliamentary course.

4. That if one or more parliament-men shall conspire to raise false rumours against the council or judges, to make them hated, it is punishable in starchamber after the parliament ended.

5. Question was if a parliament-man by way of digression say that the council and judges agreed to trample upon the liberty of the subject and the privileges of parliament, whether he be punishable: to this the judges said they might not answer, because it concerned themselves.

Another question was propounded by Mr. Attorney to the judges, upon the proceedings in starchamber *ore tenus* against the parliament-men; and the judges held it the juster way not to proceed *ore tenus*.

My father did often and highly complain against this way of sending to the judges for their opinions beforehand; and said, that if bishop Laud went on in his way he would kindle a flame in the nation.

One Huntley, a parson in Kent, was required by the archdeacon of Canterbury to preach at a visitation; he did it not: afterwards the archbishop by his letters required him to do it, and he did it not: for these contempts, being convened before the high commission court, he was fined in a great sum and committed to prison, where he lay a long time, and being upon a habeas corpus brought to the bar, the cause of

Habeas corpus.

his commitment was returned, default in his canonical obedience. He was first bailed and afterwards delivered upon this reason, because breach of canonical obedience is an offence punishable by the ordinary, by ecclesiastical censures; and not by the commissioners ecclesiastical, by fine and imprisonment.

Strowde, Hollis, Selden, and Valentine were brought to the bar by several *habeas corpora*, and the cause of their commitment returned, one warrant from the council, and another warrant from the king for sedition and contempts; and whether this was a good return or not was argued. Habeas corpus.

One Atkinson sued a servant of the king, and the lord chamberlain committed him, because he did it without his leave; and upon his habeas corpus Atkinson was delivered, which the earl of Montgomery, lord chamberlain, taking ill, the same day that Atkinson was delivered, he again committed him, in contempt of the court, and admiration of all wise men. Habeas corpus.

Jones, Whitelocke, and Croke (Hyde denying it) gave a warrant for a new habeas corpus, but before the return of it the lord chamberlain, upon wiser thoughts, discharged Atkinson from prison.

The king's attorney Heath, a fit instrument for those times, preferred an information in the starchamber against Elliot, and the other parliament-men there named, setting forth their misdemeanours in the late parliament, and all those proceedings. Information in the starchamber against the members.

He preferred another information against Chambers in the starchamber, setting forth the king's gracious government, the great privileges of the merchants, and the small duties they paid; then the words spoken by Chambers at the council table, that merchants have more encouragement and are less screwed up in Turkey than in England. Chambers confessed the words, but said he spake them of the under officers of the customs, who had much wronged him, and not reflecting upon the king or council, or the government; yet the court fined him 2000*l.*, and to make a submission, which he refused, underwriting that he did abhor and detest it as unjust and false.

The fine was estreated into the exchequer, where he pleaded magna charta and other statutes, against the fine by the king

and his council in the starchamber; it not being by legal judgment of his peers, nor saving his merchandise.

But the barons would not suffer his plea to be filed.

14 Afterwards he brought his habeas corpus, but the judges remanded him; and after twelve years' imprisonment, and long waiting for satisfaction for his losses from the long parliament, he at last died in want.

Habeas corpus.

The judges perplexed.

The judges were somewhat perplexed about the habeas corpus for the parliament-men, and wrote an humble and stout letter to the king, that by their oaths they were to bail the prisoners; but thought fit, before they did it, or published their opinions therein, to inform his majesty thereof, and humbly to advise him (as had been done by his noble progenitors in like case) to send a direction to his justices of his bench to bail the prisoners.

But the lord keeper would not acknowledge to my father, who was sent to him from the rest of his brethren about this business, that he had shewed the judges' letter to the king, but dissembled the matter; and told him, that he and his brethren must attend the king at Greenwich at a day appointed by him.

Accordingly the judges attended the king, who was not pleased with their determination; but commanded them not to deliver any opinion in this case without consulting with the rest of the judges; who delayed the business, and would hear arguments in the case, as well as the judges of the king's bench had done, and so the business was put off till the end of the term.

Then the court of king's bench being ready to deliver their opinions, the prisoners were removed to other prisons, and a letter came to the judges from the king, that this was done because of their insolent carriage at the bar. And so they did not appear.

Some constables, and other mean men, committed by the council, and bringing their *habeas corpora*, were removed from pursuivant to pursuivant, and could have no benefit of the law.

Members taken off.

Some advised the king to have no more parliaments, but to abolish them, as Louis the Eleventh of France did, and a pamphlet was divulged to this purpose. The king took another course to gain eminent parliament-men that were against

him, to become of his party and to do him service. He took sir Thomas Wentworth into favour, and his countryman sir John Savile, and they were made privy counsellors. Sir Dudley Digges was made master of the rolls, Noy was made the king's attorney, and Littleton his solicitor.

The judges of the king's bench were sent for by the lord keeper, to be in London on Michaelmas day; the chief justice Hyde and my father were sent for to the king at Hampton Court, who advised with them about the imprisoned parliament-men, and both these judges did what good offices they could to bring on the king to heal these breaches.

The first day of Michaelmas term, Mr. Mason moved for the prisoners to have the resolution of the court. All the judges declared, that they were contented the prisoners should be bailed, but that they must also find sureties for their good behaviour. Good behaviour.

Selden prayed that his sureties for his bailment might be taken, and the matter of the good behaviour omitted as a distinct thing; and all the rest of the prisoners stood to the same that Selden moved; but the court remanded them to the Tower, because they would not find sureties for their good behaviour. Proceedings against Selden, &c.

It was intimated to them from good hands, that if they would petition the king they should be discharged, and all the trouble ended, but they refused to do it, and were detained in prison. Sir Miles Hobert and some other prisoners moved the king's bench for some more freedom in their imprisonment, but then it could not be obtained.

In the same term an information was exhibited by the king's attorney against Selden, Hollis, and Valentine, in the king's bench, setting forth the same matters in effect as were in the information in the starchamber.

The like was against sir John Elliot, and for the words spoken by him in parliament, that the council and judges conspired to trample under their feet the liberties of the subject and the privileges of parliament.

This was said to be done by way of conspiracy by all the defendants as to their actions in parliament, and that it was done *falso, malitiose et seditiose;* to sow discord between the king and the great ones and people: and he said it to be *vi et armis* that they forced the speaker to keep in his chair.

The defendants pleaded to the jurisdiction of the court, because the offences are said to be committed in parliament, and ought not to be punished in this or any other court, except in parliament.

The king's attorney moved the court to overrule the plea, though he did not demur to it; but the court would not, and gave a day to join in demurrer, and to have the point argued.

Information in the starchamber.

The attorney exhibited an information in the starchamber against Mr. Long, for that he contrary to his oath when he was made sheriff, and was by his oath to keep within his county, yet he did come to parliament and serve as a member there, and in the time of parliament resided out of his county. For this the court sentenced him to pay two thousand marks to the king for a fine, to be imprisoned in the Tower, and to make a submission.

Information in the king's bench.

In Hilary term the information in the king's bench against sir John Elliot and the rest, touching the point of the jurisdiction of the court, came to be argued. All the judges severally declared their opinions, that in this case the king's bench hath jurisdiction of the cause. And the defendants were ruled to plead farther, but they would not put in any other plea. Whereupon judgment was given against them upon a *nihil dicit*, that they should be imprisoned, and not delivered till they had given security for their good behaviour, and made a submission and acknowledgment of their offences: and they were also fined.

5 Car. An. 1630. Prohibitions.

In Easter term, sir Henry Martyn, doctor of laws, and judge of the admiralty, made a great complaint to the king against the judges of the king's bench, for granting prohibitions against that court; and all the judges were before the king about it, and they mannerly and stoutly justified their proceedings in those cases to be according to law, and as their oaths bound them.

Queen of Bohemia.

Sir Henry Vane was sent to the queen of Bohemia about a marriage for her son with the emperor's daughter, and the son to be brought up in the court of the emperor, to which the queen would by no means hearken.

A peace with France.

The Venetians were set on to mediate a peace between England and France, which took effect; and sir Thomas Edmonds was sent to take the ratification thereof by the king of France, by his oath and signing of it.

A book of sir Robert Dudley's making, being of projects to increase the king's revenue, and containing in it somewhat in prejudice of the proceedings as to the parliament, was dispersed by the earls of Bedford and Clare, sir Robert Cotton, 15
Mr. Selden, and Mr. St. John, for which they were committed to prison; but sir David Fowlis discovered the author, and so the matter ended, and the prisoners were released.

William earl of Pembroke died suddenly, as was predicted to him by an astrologer. Upon the 29th of May, 1630, the queen was brought to bed of a son, prince Charles, to the exceeding joy of the subjects; and the same day a bright star appeared shining at noonday in the east.

Prince Charles born, May 29.

About midsummer this year, Gustavus Adolphus, king of Sweden, landed in Germany, with about 8000 men, and as soon as he came on shore he kneeled down upon the ground, his officers and soldiers round about him, and there gave thanks to God for his safe arrival, and prayed for his blessing upon that action: he prayed very pathetically in the presence of his army, and encouraged them by texts out of holy Scripture, himself being the preacher: and of this his old chancellor Oxenstierne informed me, who was with him at that time.

King of Sweden.

The prince palatine sent his plea to the diet at Leipsick, and sir Robert Amstrother was sent thither from our king, to negotiate the palsgrave's restitution, but he received only a general answer, that at present the affairs of the empire were so pressing, that they could not take into consideration the business of the palatinate, but that shortly it should be done, and to the satisfaction of the king of Great Britain.

Dr. Leighton, a Scotchman, for his book, entitled, "Sion's Plea," dedicated to the last parliament, counselling them to kill all the bishops, by smiting them under the fifth rib, and railing against the queen, calling her a Canaanite and idolatress, had the sentence of the starchamber executed upon him; he was stigmatized, his ears cut off, and his nose slit, and imprisonment.

Dr. Leighton stigmatized.

Sir Humphrey May, vice-chamberlain of his majesty's household, and one of his privy council, died the 10th of June, 1630.

The peace with Spain was concluded in November, and the articles solemnly signed, and sworn to be observed,

Peace with Spain.

upon a Latin Bible brought for that purpose by bishop Laud.

At this time the face of war was over most parts of Christendom; in Italy and France it was begun, and in Spain also; France fuller of fears, and Germany full of the calamities of war, and infested on all sides with potent enemies.

King of Sweden.

Gustavus Adolphus, king of Sweden, being entered into Germany, carries on his designs vigorously and successfully; first, he declares the cause of his invasion, for succour and relief, and assistance to the protestant princes, and the cause of religion, so much oppressed by the emperor and the popish party.

The emperor answers the declaration and justifies his proceedings.

It is certain that the king of Sweden had not the least ambition or thought of beginning a war in Germany, wanting strength and treasure to carry on so great a design, and therefore for a long time would not hearken to any motions or proposals made to him about that matter, until he was earnestly solicited and pressed by the protestant princes of Germany, to take their cause and oppression, and the cause of all the protestants in Germany, into his compassion; and entreated, for the cause of God and of his people, to assist them for their deliverance from the miserable and unjust oppressions and persecutions under which all the protestant party did then groan, by the emperor's violence and cruelty towards them. And yet it was then after many denials and excuses, and dissatisfaction in himself, as to the lawfulness of his undertaking this action, that at length he was prevailed with by their importunities and fair promises; but more by the sadness of the condition of the poor protestants in Germany, and the danger to the protestant religion there, and in his own and all other countries, designed to be rooted out, to pity their estate, *paries cum proximus ardet*, and for defence of the protestant religion to confederate with the protestant princes of Germany.

He thereupon made a league with them, and raised an army, though but a small one, and landed happily, as is before mentioned; and some of the princes of the league joining with him, they went on prosperously, through the blessing of God going along with them.

The particular proceedings of this great king, generalissimo of the protestant army, are set down in the histories of that war, therefore I shall not insert them here: but shall only in the general say this, that the relation of those affairs by our later chroniclers is so greatly mistaken, (especially in their censures, not so proper for historians, nor becoming the authors, towards so knowing and active princes' counsels and commanders, as they are pleased frequently to judge, and to condemn,) that they are not to be relied on; for they are much different from the truth of the proceedings of those honourable actors in that war.

Marquis Hambleton.

The marquis of Hambleton sent Rea to the king of Sweden, to offer his assistance, and that he would bring over forces to him; but some suspected the marquis to have a deeper design; under this pretence, to begin to raise forces to back his intended purpose of making himself king of Scotland.

But (the marquis being full of subtilty, and in great favour with the king) he wiped off all suspicion of himself, goes on with raising of his army, and conducted it into Germany.

But so little care was taken of provisions and accommodations for his men, that they were brought into a sick and shattered condition; so that they mouldered away in a short time: and the marquis was forced to return to England without gaining any great renown by this action, wherein he neither did service to the king of Sweden nor to himself, or to the protestant cause in Germany.

Papists in Ireland.

The papists in Ireland grew into a great height, monasteries were there erected, papists frequented their public meetings and masses, with as much confidence and as often as the protestants did their churches; and some of their priests being apprehended, by authority of the governors, were tumultuously rescued by the people of Dublin.

Earl of Essex.

The earl of Essex made a second adventure of marriage with a daughter of sir William Pawlet, who was of great beauty but little fortune; some suspicion was raised touching her, and a divorce persuaded; but she had at length a child, and the earl her husband owned it.

Impropriations.

The feoffees in trust for the buying in of impropriations to be bestowed upon preaching ministers, were brought into the exchequer, for the breach of their trust, and for bestowing

maintenance upon nonconformists; their corporation was dissolved, and their money adjudged to the king.

Huntley. The high commission court.

Huntley, beforementioned, being grievously censured in the high commission court, and by them imprisoned, brought his action of false imprisonment against the keeper Mr. Barker,
16 and some of the commissioners by name.

The attorney general by the command of the king moved the king's bench, that the commissioners might be spared, and the proceedings to be only against the gaoler; upon much debate, it was at last ordered that two of the commissioners only should answer.

The archbishop of Canterbury, who did blow the coal in this business, and had engaged the commissioners in the cause, being first set on foot by himself in wrong courses, did press the king by the bishop of London to stay the proceedings against the commissioners.

Message to the chief justice.

The king sent his advocate, Dr. Rives, to the chief justice, requiring him that there should be no further proceeding in the cause till he had spoken with him.

The chief justice answered, "We receive the message;" but upon consultation together, the judges conceived the message not to stand with their oaths, commanding an indefinite stay of a cause between party and party, and might stop the course of justice so long as the king would. And they conceived the doctor no fit messenger; all messages from the king to them being usually by the lord keeper or the king's attorney, in causes touching the course of justice.

By the court's desire, the chief justice acquainted the lord keeper herewith, and bishop Laud and they both said, the message was mistaken, and that the king intended to be in town again within seven or eight days, and then to speak with the judges about it.

This interpretation qualified the message, and the lord keeper seemed to agree that the commissioners ought not to be exempted from answering, but that there should be as much slowness in it as might stand with justice; otherwise the commissioners would be weary of their places, to be put to such trouble and charges.

My father insisted on three points:

1. That it was against law, to exempt or privilege any man from answering the action of another that would sue him.

2. If the court should exempt any, where should they begin, and where should they end?

3. That it stood with the king's monarchical power, that it might be lawful for any subject to complain before him of any other subject, and to be answered in that complaint.

The high commissioners not contented with the judges' answer herein, caused the king to assume the matter to himself, who sent for the judges, and in the presence of the lord keeper and others commanded the judges not to put the defendants to answer.

This was at the importunity of the archbishop of Canterbury, and the bishop of London pressed the business violently on the behalf of the commissioners.

The king's express command.

The judges' answer.

At last they parted, charged with the king's express command, that they should not put the commissioners to answer; and the judges stoutly answered, that they could not without breach of their oaths perform that command; and so they parted in displeasure.

Afterwards, by the king's special command, this matter was handled at the council-table in presence of the judges; and after long debate and hearing of the bishops of London and Winchester, two of the privy council, and of the judges and king's attorney, it was agreed that the commissioners should answer. And by the stout carriage and honesty of the judges this was a good and quiet end of an angry cause.

6 Car. An. 1631.

Some of the imprisoned parliament-men upon their petition were removed from the prisons wherein they then were to other prisons, to prevent the danger of the sickness then increasing. Sir Miles Hobert put in sureties for his good behaviour, and so was discharged from his imprisonment.

Walter dies.

Sir John Walter died, a grave and learned judge: he fell into the king's displeasure, charged by his majesty for dealing cautelously and not plainly with him in the business concerning the parliament-men: as if he had given his opinion to the king privately one way, and thereby brought him on the stage and there left him, and then was of another judgment.

His opinion.

His opinion was contrary to all the rest of the judges, that a parliament-man for misdemeanour in the house, criminally, out of his office and duty, might be only imprisoned and not further proceeded against: which seemed very strange to the

other judges, because it could not appear whether the party had committed an offence, unless he might be admitted to his answer.

His patent. The king discharged him of his service by message, yet he kept his place of chief baron, and would not leave it but by legal proceeding; because his patent of it was, *Quam diu se bene gesserit,* and it must be tried whether he did *bene se gerere* or not: he never sat in court after the king forbad him, yet held his place till he died.

Lord Audley's trial. The judges were sent for to be consulted with touching the trial of the lord Audley, who was indicted for a rape committed upon his wife, with his assistance, by one of his own servants, and for buggery.

The trial was very solemn before the lord keeper, made lord high steward for that day, and eight judges' assistants, and twenty-seven peers, the jury or judges of the fact. The matters were of the most horrid and foul wickedness that ever was heard of, and therefore I have esteemed it not convenient to preserve the memory of the particulars of such infamous and beastly abominations.

By letters from the lord keeper, all the judges of the king's bench were required to come up to London, and the business was for their advice, touching the conference had in Germany between certain Scots, about making of the marquis Hambleton head of a party against the king and his kingdoms of England and Scotland, and what was fit for the king to do thereupon.

Rea and Ramsey. The lord Rea, a Scotch baron, did impeach Ramsey and Meldran for moving him to this conspiracy. They denied it punctually, and no witness could be produced; Ramsey, a soldier, offered to clear himself by combat that he was innocent, and the appellant Rea accepted of the challenge. The king was desirous it should be put upon a duel, and the judges were consulted with, 1. What the offence was; 2. Where the trial should be.

Appeal of treason. 1. They all with the lord keeper were of opinion, that it was an high and horrible treason if that in the examinations were true.

Judges' opinions. 2. That the trial might be by an appeal of treason, upon which combat might be joined, but that the king must make a constable *durante beneplacito*, for the marshal could

not take the appeal without him, and that it must be after the manner of the civil law, the judges not to intermeddle.

The judges were also of opinion, that this proceeding be- 17
fore the constable and marshal was as it was before the stat. 35 Hen. VIII. c. 2, and that that statute devised a way how to try foreign treasons in England, but did not take away the other, and that the stat. 1 Mar. cap. 10 did not take it away nor intend it; and that a conviction in this appeal was no corruption of blood, nor a forfeiture at the common law.

According to the advice of the judges, there was a court of the constable and marshal appointed, and the earl of Lindsey made constable for that purpose, and the proceedings between Rea and Ramsey in that court were very solemn, and multitudes of people attending that novelty.

In this trial it was delivered for doctrine, that if the defendant do send a challenge to the appellant, it is a proof of the defendant's guilt.

That no testimony is to be neglected in matter of treason. And the story in Livy was cited, that it is not base to undergo any office to save a nation, but that it was unbecoming a gentleman to fish for circumstances, and then to be an informer.

That in France the holding up of the hand is taking an oath, and in this case it was urged, that if Ramsey be guilty of treason that Rea is so likewise, for that both did speak the words in the accusation. The business was taken up by the king, through the interest of the marquis Hamilton, whose servant Ramsey was; and the lord Rea returned to his command under the king of Sweden in Germany.

Sir Nicholas Hyde, chief justice of the king's bench, died Sir Nich. Hyde.
in August this year: he was promoted to that place by the duke of Buckingham, and demeaned himself in it with good integrity and prudence in those difficult times: he was somewhat reserved, and not affable.

In Michaelmas term certain questions were propounded to Questions to the judges touching the clergy.
the judges touching the clergy:

1. Whether clergymen were bound to find watch and ward day or night. To this the answer was deferred till the judges had informed themselves of the practice in the countries where they went circuit.

2. Whether clergymen might be compelled to take apprentices, by the statute 43 Eliz. of the poor. On this all agreed that no man was out of the statute, but there was a discretion to be used in the justices of peace, to consider where it was fit to put the child to be kept, and where it was fitter to take money toward the putting of it out. And it was held, that the meaning of the statute was not for the education of them in arts, but for charity to keep them, and relieve them from turning to roguery and idleness; so a man's house was, as it were, an hospital in that case, rather than a shop of trade; for they might be brought up to husbandry, cookery, dairy, and the like services in an house. This case I have reported, because it sheweth somewhat of the expectation and temper of the clergy in that time.

Oxford. The same likewise appeared by proceedings against some of the university of Oxford, for sermons preached by them against Arminianism, and upon other points of religion then in controversy; upon which divers of them were censured, and some expelled the university.

Much difference of opinion was also preached and published touching the observation of the Lord's day; and in the north they kept their wakes and ale-meetings upon the sabbath day. Whereof complaint being made at the assizes, judge Richardson was so hardy as to make an order to suppress them. But the bishops took this as an intruding upon the ecclesiastical power, and bishop Laud complaining of it to the king, the judge was checked, and occasion was taken from hence to republish the former book, for allowance of pastimes upon the Lord's day, which was not very pleasing to many who were no puritans, as well as to them generally.

Books of sports.

Repair of Paul's. About this time the repair of Paul's was set on work, chiefly by the zeal of bishop Laud; and new images and ornaments other than formerly were set up, to the discontent of many persons.

The king came himself to this church, and made a kind of procession to view it, and granted a commission to some bishops and others, to have a contribution, and to see the work done: some affirm that about eighty thousand pounds was gathered for it, and sir Paul Pindar is remembered to have laid out nineteen thousand pounds of his own money towards it.

Sir Paul Pindar.

A piece of London bridge was burnt down.

The king fell sick of the smallpox, but was well recovered again to the joy of his subjects.

The chancellor of Poland came ambassador hither for assistance against the Turks, and got some money and two thousand men of our king. He was bred up a lawyer, and at length came to be a principal civil officer of justice, and was also at the same time a great commander in the army. An. 1632. 7 Car.

In November our queen was brought to bed of the princess Mary. The princess Mary born.

Our king sent an ambassador to the king of Sweden, in behalf of the prince elector, in whose country Gustavus then was become master of the field; but his successes caused him to propound the harder conditions to the elector, to hold his own patrimony, that he refused them; but afterwards the king of Sweden by mediation came to more moderate terms. Ambassador to Sweden.

But that business was cut off by the death of that king, which in its time will be remembered.

In Easter term the business of the death of Doctor Lamb was in the king's bench, wherein it appeared that he was neither doctor nor any way lettered, but a man odious to the vulgar, for some rumours that went of him, that he was a conjurer or sorcerer, and he was quarrelled with in the streets in London, and as the people more and more gathered about him, so they pelted him with rotten eggs, stones, and other riffraff, jostled him, beat him, bruised him, and so continued pursuing him from street to street, till they were five hundred people together following of him. This continued three hours together until night, and no magistrate or officer of the peace once shewed himself to stop this tumult: so the poor man, being above eighty years of age, died of this violence, and no inquisition was taken of it, nor any of the malefactors discovered in the city. Dr. Lamb.

For this negligence an information was put into the king's bench by the attorney Noy against the mayor and citizens, and they submitted to the grace of the court, and were in open court fined fifteen hundred marks by the common law; not upon the statute of 28 Edw. III, nor upon the statute of 4 Hen. VIII. City of London fined.

This Trinity term my father fell ill of a cold, which so in-

creased upon him, that he was advised to go into the country, whereupon he took his leave of his brethren the judges and sergeants, and was cheerful with them, but said to them, "God be with you, I shall never see you again," and this without the least disturbance or trouble of his thoughts; and soon after he came into the country, on the 22nd day of June, he died, and in his death the king lost as good a subject, his country as good a patriot, the people as just a judge as ever lived; all honest men lamented the loss of him, no man in his age left behind him a more honoured memory: his reason was clear and strong, and his learning deep and general; he had the Latin tongue so perfect, that sitting judge of assize at Oxford, when some foreigners, persons of quality, being there, and coming to the court to see the manner of our proceedings in matters of justice, this judge caused them to sit down, and briefly repeated the heads of his charge to the grand jury in good and elegant Latin, and thereby informed the strangers and the scholars of the ability of our judges, and the course of our proceedings in matters of law and justice: he understood the Greek very well, and the Hebrew, and was versed in the Jewish histories, and exactly knowing in the history of his own country, and in the pedigrees of most persons of honour and quality in the kingdom, and was much conversant in the studies of antiquity and heraldry: he was not by any excelled in the knowledge of his own profession of the common law of England, wherein his knowledge of the civil law (whereof he was a graduate in Oxford) was a help to him: his learned arguments both at the bar and bench will confirm this truth.

Judge Whitelocke dies.

18

Soon after the death of my father, there died a great churchman, Abbot, archbishop of Canterbury, in a good old age, and left behind him the memory of a pious, learned, moderate prelate; and in his room succeeded Laud, then bishop of London, who was in eminent favour with the king, as appears by this translation of him to the metropolitan dignity of the church of England, to be archbishop of Canterbury.

Abbot dies.

Laud made archbishop of Canterbury.

Some of our stories relate, that not long after his translation to the see of Canterbury Laud was offered a cardinal's cap from Rome, but that he refused, being as high already as England could advance him, and he would not be second to any in another kingdom.

This new archbishop in the end of summer, about Michaelmas, came from London to Oxford, there to attend the king, and to entertain him in the university, where Laud was also chancellor.

Colonel Sanderson was sent by our king with two thousand English to the emperor of Russia, to assist him against the king of Poland: he was there, upon a private difference between them, basely murdered by colonel Lesley, a Scotchman.

The Muscovites were overthrown by the Polanders, no justice done upon Lesley; but he came to this deserved end, that he was thrown down from a tower upon the ground, and so died.

The protestants in Ireland were discontented at the grace and favour shewed to the papists there; the lord Wentworth was sent over as deputy in that kingdom, to settle the affairs and people there. Wentworth sent into Ireland.

The king of Sweden proceeded successfully in Germany till the battle of Lutzen, where he was slain; some say by one of his own people, others say by the enemy: in the fight he was trampled underfoot by the horse, so that his body could hardly be known: Papenheim was slain in the same battle. King of Sweden slain.

The Swedes, contrary to expectation and course of others, at the death of their king were so enraged, that falling furiously upon the imperialists, they gained a great victory.

A little after this, the prince elector, king of Bohemia, died (as was supposed) of the infection of the plague, which he had taken at Cologne or at Mentz.

Wellestein was suspected of treachery to have designed a conjunction with the Swedes against the emperor, and was suddenly murdered by Butler a Scotchman. Wallestein murdered.

This year died three kings, Sigismund king of Poland, and Gustavus Adolphus king of Sweden, and Frederick king of Bohemia, besides many great persons both in England and in foreign parts, of every degree and sex.

The king sent the earl of Leicester ambassador to the king of Denmark, to condole the death of his mother, and to demand a portion due to our queen, and to the queen of Bohemia, according to the law of Denmark. About this time Mr. Prynne published his book called *Histrio Mastix*, by license of archbishop Abbot's chaplain, which being against Prynne's Histrio Mastix.

plays, and a reference in the table of the book to this effect, *women-actors, notorious whores,* relating to some women-actors mentioned in his book as he affirmeth.

It happened that about six weeks after this, the queen acted a part in a pastoral at Somerset house, and then the archbishop Laud, and other prelates, whom Prynne had angered by some books of his against Arminianism, and against the jurisdiction of the bishops, and by some prohibitions which he had moved, and got to the high commission court.

These prelates and their instruments, the next day after the queen had acted her pastoral, shewed Prynne's book against plays to the king, and that place of it, *women-actors, notorious whores,* and they informed the king and queen that Prynne had purposely written this book against the queen and her pastoral, whereas it was published six weeks before that pastoral was acted.

Yet the king and queen, though thus exasperated, did direct nothing against him, till Laud set doctor Heylin (who bare a great malice to Prynne, for confuting some of his doctrines) to peruse Prynne's books, and to collect the scandalous points out of them; which Heylin did, though (as Prynne affirms) not at all warranted by the text of his book; but these two gentlemen were well matched, and alike in other things, though so much different in divinity or show of it.

The archbishop went with these notes to Mr. attorney Noy on a sabbath-day morning, and charged him to prosecute Prynne for this book; which Noy afterwards did rigorously enough in the starchamber, and in the mean time the bishops and lords in the starchamber sent Prynne close prisoner to the Tower.

Prynne sent to the Tower.

An. 1633. 8 Car.

Some in Scotland had given out in speeches that the king thought the crown of Scotland not worth his journey thither, and some doubts were of secret designs amongst them to set up there another king.

The king's progress to Scotland.

The king resolves to go thither, and went with a train of lords and others suitable to his dignity. At Edinburgh he was crowned with all show of affection and duty, and in a parliament then held the liberties of the kirk are stood upon; the king gratified many of them with new honours; yet some began then to mutter, and afterwards to mutiny: the

king was in some danger passing over Dumfrith, but returned back to London in safety.

The earl of Traquaire is made treasurer of Scotland, and 19
the parliament there gave a tax to the king, which the Scotch nobles begged of him before it was gathered. The lord Loudon began to make opposition to the king, and to shew his intentions in that parliament.

The queen was brought to bed of another son, James, who Octob. 13, the duke of York born.
was created duke of York, the title reserved for the second sons of the king.

In Michaelmas term was some discourse about the communion table in St. Gregory's church near Paul's, which by order of the dean of Paul's was removed and placed altar-wise, to the distaste of several of the parishioners, who at length appealed, and it came before the king and council, who approved what the dean had done.

Order was sent to Scotland that the prayers and divine service should be celebrated twice a day in the king's chapel there, after the manner used in England; and that the communion should be monthly received on their knees, and the ministers to wear the surplice, and other ceremonies to be observed. But the dean of the chapel there durst not put these orders in execution, for fear of displeasing the people.

The king revived his father's declaration for tolerating Octob. 18.
lawful sports (as it calls them) on the Lord's day, which gave great distaste to many, both others as well as those who were usually termed puritans.

About Allholantide several of the principal members of the societies of the four inns of court, amongst whom some were servants to the king, had a design that the inns of court should present their service to the king and queen, and testify their affections to them, by the outward and splendid visible testimony of a royal mask of all the four societies Mask of the inns of court.
joining together, to be by them brought to the court, as an expression of their love and duty to their majesties.

This was hinted at in the court, and by them intimated to the chief of those societies, that it would be well taken from them, and some held it the more seasonable, because this action would manifest the difference of their opinion from Mr. Prynne's new learning, and serve to confute his *Histrio Mastix* against interludes. This design took well with all

the inns of court, especially the younger sort of them, and in order to put it in execution the benchers of each society met, and agreed to have this solemnity performed in the noblest and most stately manner that could be invented.

The better to effect this, it was resolved in each house to choose two of their members whom they should judge fittest for such a business to be a committee, by joint assistance to carry on that affair.

In the Middle Temple were chosen of this committee Mr. Edward Hyde and myself. For the Inner Temple, sir Edward Herbert and Mr. Selden. For Lincoln's Inn, Mr. attorney Noy and Mr. Gerling. And for Gray's Inn, sir John Finch and Mr. ———

This committee, being empowered by the benchers of each society, met together, and out of their own number made several sub-committees; one sub-committee to take care of the poetical part of the business; another for the several properties of the maskers and antimaskers, and other actors; another was for the dancing; and to me in particular was committed the whole care and charge of all the music for this great mask, which was so performed that it excelled any music that ever before that time had been heard in England.

The business being thus distributed, each sub-committee had their meetings, and carried on their business committed to their care, and had moneys provided by an equal proportion by the governors of each society, who were not sparing in that most material part of every design and action.

I made choice of Mr. Simon Ivy, an honest and able musician, of excellent skill in his art, and of Mr. Laws, to compose the airs, lessons, and songs for the mask, and to be master of all the music under me: I also made choice of four of the most excellent musicians of the queen's chapel, Monsieur la Mare, Monsieur du Vall, Monsieur Robert, and Monsieur Mari, and of divers others of foreign nations, who were most eminent in their art, not in the least neglecting any of my own countrymen, whose knowledge in music rendered them useful in this action, to bear their parts in the music; and for the better preparation and practice of the music, they had meetings together of English, French, Italians, Germans, and other masters of music: forty lutes

at one time, besides other instruments and voices of the most excellent musicians in consort: the rest of the sub-committees prepared all things in readiness, according to their several charges; and the grandees, master attorney general Noy, sir John Finch, sir Edward Herbert, Mr. Selden, and all the rest of the committees, took great pains, and neglected no meetings for the management of this great business of the mask, which they knew would be acceptable to their master and mistress, and to all the court.

The time for presenting of this mask at Whitehall was agreed to be on Candlemas night, to end Christmas; and the several parts of it being brought near to a readiness for action, Hyde and myself were sent by the committee to the lord chamberlain, the earl of Pembroke and Montgomery, and to sir Henry Vane, the comptroller of the king's house, to advise with them, and to take order about the scenes and other matters relating to the mask, and about preparing things in the banqueting house in order thereunto.

The gallery behind the state, at the end of the banqueting house, was reserved for the gentlemen of the inns of court who should come thither to see their mask, that there they might sit together, and none else to be admitted with them into that place.

The dancers, maskers, anti-maskers, and musicians, did beforehand practise in the place where they were to present the mask, and the scenes were artificially prepared at the lower end of the banqueting house; the grand maskers were four gentlemen of each inn of court, most suitable for their persons, dancing, and garb for that business; and it was ordered that they should be drawn in four rich chariots, four maskers in each chariot, by six horses in a chariot; but there grew a difference about the order of their going, which of the inns of court should have the first chariot, so of the rest in their order; and how the several grand maskers should sit in the several chariots, who in the first or chiefest place, and who in the second, third, and last place. To satisfy this, it was propounded and assented to by the committee, that the chariots should be made after the fashion of the Roman triumphant chariots, and being of an oval form, in the seats there would be no difference of place in them.

For the several colours, and for the precedence of the cha- 20

riots, it was agreed that one of each house of the committee should throw the dice, and as that happened the society to be bound of which he that threw was a member.

On Candlemas-day in the afternoon, the maskers, horsemen, musicians, dancers, and all that were actors in this business, according to order, met at Ely-house in Holborn, there the grand committee sat all day to order all affairs; and when the evening was come, all things being in full readiness, they began to set forth in this order down Chancery-lane to Whitehall.

The first that marched were twenty footmen, in scarlet liveries with silver-lace, each one having his sword by his side, a baton in one hand, and a torch lighted in the other hand; these were the marshal's men who cleared the streets, made way, and were all about the marshal, waiting his commands. After them, and sometimes in the midst of them, came the marshal, then Mr. Darrel, afterwards knighted by the king: he was of Lincoln's Inn, an extraordinary handsome proper gentleman; he was mounted upon one of the king's best horses and richest saddles, and his own habit was exceeding rich and glorious; his horsemanship very gallant; and besides his marshal's men he had two lackeys, who carried torches by him, and a page in livery that went by him carrying his cloak.

After him followed one hundred gentlemen of the inns of court, five and twenty chosen out of each house, of the most proper and handsome young gentlemen of the societies; every one of them was gallantly mounted on the best horses, and with the best furniture that the king's stable and the stables of all the noblemen in town would afford, and they were forward on this occasion to lend them to the inns of court.

Every one of these hundred gentlemen were in very rich clothes, scarce any thing but gold and silver lace to be seen of them; and each gentleman had a page and two lackeys waiting on him in his livery by his horse-side: the lackeys carried torches, and the page his master's cloak. The richness of their apparel and furniture glittering by the light of a multitude of torches attending on them, with the motion and stirring of their mettled horses, and the many and various gay liveries of their servants, but especially the personal beauty and gallantry of the handsome young gentlemen,

made the most glorious and splendid show that ever was beheld in England.

After the horsemen came the antimaskers; and as the horsemen had their music, about a dozen of the best trumpeters proper for them, and in their livery, sounding before them, so the first antimask, being of cripples and beggars on horseback, had their music of keys and tongs, and the like, snapping and yet playing in a consort before them.

These beggars were also mounted, but on the poorest leanest jades that could be gotten out of the dirt-carts or elsewhere; and the variety and change from such noble music and gallant horses as went before them, unto their proper music and pitiful horses, made both of them the more pleasing.

The habits and properties of these cripples and beggars were most ingeniously fitted (as of all the rest) by the committee's direction, wherein (as in the whole business) Mr. attorney Noy, sir John Finch, sir Edward Herbert, Mr. Selden, those great and eminent persons, as all the rest of the committee, had often meetings, and took extraordinary care and pains in the ordering of this business, and it seemed a pleasure to them.

After the beggars' antimask came men on horseback playing upon pipes, whistles, and instruments, sounding notes like those of birds of all sorts, and in excellent consort, and were followed by the antimask of birds: this was an owl in an ivy-bush, with many several sorts of other birds in a cluster about the owl, gazing as it were upon her; these were little boys put into covers of the shapes of those birds, rarely fitted, and sitting on small horses, with footmen going by them, with torches in their hands; and here were some besides to look unto the children; and this was very pleasant to the beholders.

After this antimask came other musicians on horseback playing upon bagpipes, hornpipes, and such kind of northern music, speaking the following antimask of projectors to be of the Scotch and northern quarters; and these, as all the rest, had many footmen with torches waiting on them.

First in this antimask rode a fellow upon a little horse, with a great bit in his mouth, and upon the man's head was a bit with headstall and reins fastened, and signified a pro-

jector, who begged a patent, that none in the kingdom might ride their horses but with such bits as they should buy of him.

Then came another fellow, with a bunch of carrots upon his head and a capon upon his fist, describing a projector who begged a patent of monopoly, as the first inventor of the art to feed capons fat with carrots, and that none but himself might make use of that invention, and have the privilege for fourteen years according to the statute.

Several other projectors were in like manner personated in this antimask; and it pleased the spectators the more, because by it an information was covertly given to the king, of the unfitness and ridiculousness of these projects against the law: and the attorney Noy, who had most knowledge of them, had a great hand in this antimask of the projectors.

After this and the rest of the antimasks were passed, all which are not here remembered, there came six of the chief musicians on horseback upon footcloths, and in the habits of heathen priests, and footmen carrying of torches by them.

After these musicians followed a large open chariot drawn with six brave horses, with large plumes of feathers on their heads and buttocks; the coachman and postilion in rich antique liveries. In the chariot were about a dozen persons in several habits of the gods and goddesses, and by them many footmen on all sides bearing torches.

After this chariot followed six more of the musicians on horseback, with footcloths habited and attended with torches, as the former were.

After them came another large open chariot like the former, drawn with six gallant horses with feathers, liveries, and torches, as the other had.

These chariots were made purposely for this occasion; and in this latter chariot were about a dozen musicians in like habit (but all with some variety and distinction) as those in the first chariot.

21 These going immediately next before the grand masker's chariots, played upon excellent and loud music all the way as they went.

After this chariot came six more musicians on footcloths, horses habited and attended as the other.

Then came the first chariot of the grand maskers, which

was not so large as those that went before, but most curiously framed, carved, and painted with exquisite art, and purposely for this service and occasion. The form of it was after that of the Roman triumphant chariots, as near as could be gathered by some old prints and pictures extant of them: the seats in it were made of an oval form in the back end of the chariot so that there was no precedence in them, and the faces of all that sat in it might be seen together.

The colours of the first chariot were silver and crimson, given by the lot to Gray's Inn, as I remember; the chariot was all over painted richly with these colours, even the wheels of it, most artificially laid on, and the carved work of it was as curious for that art, and it made a stately show. It was drawn with four horses all on breast, and they were covered to their heels all over with cloth of tissue, of the colours of crimson and silver, huge plumes of red and white feathers on their heads and buttocks; the coachman's cap and feather, his long coat, and his very whip and cushion, of the same stuff and colour.

In this chariot sat the four grand maskers of Gray's Inn, their habits, doublets, trunk-hose and caps of most rich cloth of tissue, and wrought as thick with silver spangles as they could be placed, large white silk stockings up to their trunk-hose, and rich sprigs in their caps; themselves proper and beautiful young gentlemen.

On each side of the chariot were four footmen in liveries of the colour of the chariot, carrying huge flambeaus in their hands, which with the torches gave such a lustre to the paintings, spangles, and habits, that hardly any thing could be invented to appear more glorious.

After this chariot came six more musicians on footcloths, and in habits like the former: these were followed by the second chariot, as the lot fell for the Middle Temple: this differed not in any thing from the former but in colours only, which were of this chariot silver and blue, the chariot and horses were covered and decked with cloth of tissue, of blue and silver, as the former was with silver and crimson.

In this second chariot were the four grand maskers of the Middle Temple, in the same habits as the other maskers were, and with the like attendance, torches and flambeaus, with the former. After these followed the third and fourth

chariots, and six musicians between each chariot, habited, on footcloths and horses as before. The chariots were all of the same make, and alike carved and painted, differing only in the colours.

In the third chariot rode the grand maskers of the Inner Temple; and in the fourth chariot went those of Lincoln's Inn, according to the lot of each of them.

The habits of the sixteen grand maskers were all the same, their persons most handsome and lovely, the equipage so full of state and height of gallantry, that it never was outdone by any representation mentioned in our former stories.

The torches and flaming huge flambeaus borne by the sides of each chariot made it seem lightsome as at noonday, but more glittering, and gave a full and clear light to all the streets and windows as they passed by. The march was slow, in regard of their great number, but more interrupted by the multitude of the spectators in the streets, besides the windows, and they all seemed loath to part with so glorious a spectacle.

In the mean time the banqueting-house at Whitehall was so crowded with fair ladies, glittering with their rich clothes and richer jewels, and with lords and gentlemen of great quality, that there was scarce room for the king and queen to enter in. The king and queen stood at a window looking straightforward into the street, to see the mask come by; and being delighted with the noble bravery of it, they sent to the marshal to desire that the whole show might fetch a turn about the tilt-yard, that their majesties might have a double view of them; which was done accordingly, and then they all alighted at Whitehall-gate, and were conducted to several rooms and places prepared for them.

The king and queen and all their noble train being come in, the mask began, and was incomparably performed in the dancing, speeches, music, and scenes; the dances, figures, properties, the voices, instruments, songs, airs, composures, the words and actions, were all of them exact, and none failed in their parts of them, and the scenes were most curious and costly.

The queen did the honour to some of the maskers to dance with them herself, and to judge them as good dancers as ever she saw; and the great ladies were very free and

civil in dancing with all the maskers, as they were taken out by them.

Thus they continued in their sports until it was almost morning, and then the king and queen retiring to their chamber, the maskers and inns of court gentlemen were brought to a stately banquet, and after that was dispersed, every one departed to their own quarters.

Thus was this earthly pomp and glory, if not vanity, soon passed over and gone, as if it had never been.

The queen, who was much delighted with these solemnities, was so taken with this show and mask, that she desired to see it acted over again: whereupon an intimation being given to the lord mayor of London, he invited the king and queen, and the inns of court maskers to the city, and entertained them with all state and magnificence at Merchant-Taylors' hall.

Thither marched through the city the same show that went before to Whitehall, and the same mask was again presented to them in the city; the same horsemen, lackeys, liveries, torches, habits, chariots, music, and all other parts of the former solemnity, and in the same state and equipage as it was before presented.

This also gave great contentment to their majesties, and no less to the citizens, especially to those of the younger sort and of the female sex; and it was to the great honour and no less charge of the lord mayor, Freeman.

The persons employed in this mask were paid justly and liberally; some of the music had one hundred pounds apiece, so that the whole charge of the music came to about a thousand pounds; the clothes of the horsemen, and the liveries of their pages and lackeys, which were at their own particular charge, were reckoned one with another at a hundred 22
pounds a suit at the least, and one hundred of those suits to amount to ten thousand pounds. The charges of all the rest of the mask and matters belonging to it were reckoned at as much more, and so the charge of the whole mask, which was borne by the societies, and by the particular members of it, was accounted to be above one and twenty thousand pounds.

A little while after the mask was performed, the committee ordered sir John Finch, Mr. Gerling, Mr. Hyde, and

myself, to attend the king and queen in the name of the four inns of court, to return their humble thanks for their majesties' gracious acceptance of the tender of their service in the late mask. They were first brought to the king, who gave to all of them his hand to kiss; then sir John Finch, in the name of the rest, spake to the king to this effect:

Sir, by the command of your majesty's most affectionate and loyal subjects, the readers and gentlemen of the four inns of court, we are here to attend you with their most humble thanks, for your great favour to them in your gracious acceptance of the tender of their service and affections to your majesty in the late mask presented to you, and for vouchsafing your royal presence at it.

The king with great affability and pleasingness answered him presently to this purpose:

Gentlemen, pray assure those from whom you come, that we are exceeding well pleased with that testimony which they lately gave us of their great respect and affection to us, which was very acceptable, and performed with that gallantry and in so excellent a manner, that I cannot but give them thanks for it, and shall be ready upon all occasions to manifest the good opinion I have of them, and to do them and you in particular any favour.

From the king they were brought to the queen, and kissed her hand, and sir John Finch her attorney, having made the like compliment to her majesty, she answered quick and well pleased,

That she never saw any mask more noble, nor better performed than this was, which she took as a particular respect to herself, as well as to the king her husband, and desired that her thanks might be returned to the gentlemen for it.

This being reported to the benchers of each society, they gave thanks to their respective members that were of the committee, for the honour they had done to the society by the well ordering of the business of the mask.

Thus these dreams passed and these pomps vanished. It will be now time to return to the public story of the latter part of this year.

The archbishop Laud procured a sharp sentence to be passed in the starchamber against Prynne, that he should be imprisoned during his life, fined 5000*l.*, expelled Lincoln's Inn, disbarred and disabled to practice, degraded of his degree in the university, be set on the pillory and his ears to be

cut off, and his book to be burnt by the common hangman: which sentence was as severely executed.

But before the fine was estreated, the archbishop and other high commissioners by their warrant caused Prynne's book and papers to be seized upon and brought away from his lodging, and had them perused and sifted, to find matter against him, of which Prynne complaining in the starchamber, the archbishop denied any such warrant.

Dr. Bastwick.

During Prynne's imprisonment, Dr. Bastwick, a physician, was brought into the high commission court, for his book called *Elenchus Papismi, et Flagellum Episcoporum Latialium*, in answer to one Short a papist, who maintained the pope's supremacy, the mass, and popery: and Bastwick's epistle to his book declared that he intended nothing against our bishops, but against those of Rome.

Yet this doctor was sentenced by the high commissioners in a thousand pound fine, to be excommunicated, debarred his practice of physic, his books to be burnt, and he to be in prison till he made a recantation; and this was for maintaining the king's prerogative against papacy, as the doctor pleaded.

But on the other part, one who was a fierce papist, named Chowney, wrote a book in defence of the popish religion, and of the church of Rome, averring it to be a true church; and the book was dedicated to and patronised by the archbishop; so far was Chowney from being punished and questioned for that doctrine.

Bishops independent of the king.

In the censure of Bastwick, all the bishops then present denied openly that they held their jurisdiction as bishops from the king, for which perhaps they might have been censured themselves in the times of Hen. II. or Edw. III.

But they affirmed, that they had their jurisdiction from God only, which denial of the supremacy of the king under God Hen. VIII would have taken ill, and it may be would have confuted them by his kingly arguments and *regia manu;* but these bishops publicly disavowed their dependance on the king.

And the archbishop maintained the book of Chowney, and that the Romish church was a true church, and erred not in fundamentals; and somewhat was noted to pass from him

and other bishops in defaming the holy scriptures; and Calvin was very much slighted and abused by them.

I cannot pecisely aver all this, though I heard most of it, as it is here set down, and heard the rest of it to this purpose, from those who were present at the debating of these matters in the high commission court.

An. 1634. 9 Car. Our coasts were much infested by pirates, even by Turks and Algiers men, to the great prejudice of trade. The Dutchmen became almost masters of the sea in the northern fishing; overtures were made concerning herring-fishing, and busses, for our own coasts, and to prevent strangers. Some petty quarrels fell out between us and the Hollanders about those matters of fishing; upon which Grotius did write his book of *Mare liberum*, but is clearly answered by that learned treatise of Selden's called *Mare clausum*.

Mare liberum. Mare clausum.

The king finding the controversy begun, and that it must be maintained by force, which his want of money could not do, he, by the advice of his attorney Noy, and of the lord keeper Coventry, who, as far as his learning in those matters did extend, (and that was not far,) did approve and assist the project.

Ship-money. And by advice of his privy council, and counsel learned, the king requires shipmoney. The writ for it was at first but to maritime towns and counties; but that not sufficing, other writs were issued out to all counties to levy shipmoney.

Yet great care was taken to favour the clergy; all the rest of the people, except courtiers and officers, generally murmur at this tax; although it was politicly laid with all equality,
23 yet the great objection against it was, because it was imposed without assent of parliament, and that therefore it was unlawful.

Ambassador of Sweden slighted. The old chancellor Oxenstierne of Sweden, the great director of their affairs both at home and abroad, particularly in Germany, during the queen's minority, sent his eldest son Grave John Oxenstierne ambassador to our king with credentials from the queen of Sweden, as the chancellor and his son both affirm to me. But Grave John the ambassador, and the authority from whence he came, were so unworthily slighted in our court, who were not willing to give any assistance to the prince elector against the emperor, that in

great distaste, Grave John, who was high enough in his own thoughts, and for the honour of his mistress the queen, went away in discontent from England, and neither he nor his father nor family were friends to our king after this affront put upon them; which I have cause to know.

The parliament of Ireland gave some subsidies to the king, and the Thirty-Nine Articles of our church were there by that parliament established.

Noy dies. Mr. attorney Noy having set on foot the tax of ship-money, leaveth it and the world. He died of the distemper of the stone.

Balmerino. The Scots began to murmur against their last parliament; the lord Balmerino was questioned about a letter written by king James to pope Clement to compliment him. It was suggested, that this lord's father, being secretary to the king, did draw the letter, and shuffling it among other papers did by that means get it to be signed by the king. Yet was this lord afterwards not only pardoned but honoured and preferred.

The discontented party in Scotland had intelligence of the discontents in England, and the cardinal Richlieu sent his agents to foment the discontents in both kingdoms, who met with matters and persons very apt to be kindled.

Treasurer Weston dies. The lord treasurer Weston died, not much lamented of the people, who generally esteemed him to be a covert papist and an agent for Rome, and though himself might be dispensed with, yet most of his family made open profession of the popish religion, and continue in the same profession.

Sir Edw. Coke dies. Sir Edward Coke died this year also, who was of greater reputation with the people, but of less at court; whose illegal actions he earnestly opposed in parliament, being usually chosen a member of the house of commons after he was put off his public offices. He was a man of great learning and industry, and had the value of a just and impartial magistrate.

The imperialists and Swedes fought a bloody battle at Nortington, where the Swedes were overthrown, 12,000 of them slain and 6000 taken prisoners; but hereupon ensued a peace between them, the emperor being wisely the more inclined to it after his being victorious in the war.

Spottes-wood. Spotteswood, archbishop of St. Andrew's, was made chan-

cellor of Scotland; and though he was a wise and learned man, and of good reputation and life, yet it gave offence to many, that he, being a clergyman, should be invested with that dignity, which they affirmed not to have been done before since the reformation.

At Abington, complaint was made to the mayor and to the recorder of divers in the town who were nonconformists to the orders and ceremonies of the church in divine service, as, that some did not stand up at the Creed, nor bow to the altar, nor at the name of Jesus, nor receive the sacrament kneeling at the high altar, and the like.

For which some that were related to the ecclesiastical court complained to them, being justices of the peace for the town, and desired they would punish these offenders. The recorder answered them, that these offences were more properly punishable by the ecclesiastical judges in their courts than by justices of peace, and therefore he advised them to inform the chancellor of the diocese, or other officers of that jurisdiction, concerning those matters, that proceedings might be had therein according to their law, but he thought it not fit for him to interpose in those matters. The complainers seemed much unsatisfied herewith: but the mayor, being somewhat inclined to the opinions of the nonconformists, was not easily to be persuaded to punish them; and the recorder himself was much for liberty of conscience, and favourable in that point; so that although the other party urged much to have the nonconformists punished, yet they put it off, and would not do it; for which the recorder was afterwards required to attend the council-table, to answer some complaints made against him from Abington, that he did comply with and countenance the nonconformists there, and refused to punish those who did not bow at the name of Jesus and to the altar, and refused to receive the sacrament kneeling at the high altar, and the like offenders, and that he was disaffected to the church, and the ceremonies thereof enjoined by authority.

But the recorder alleged in his own vindication, why he did not punish those against whom the complaints were made, that he knew no common law nor statute in force for the punishment of them, especially by justices of the peace; and that the complainers did not prefer any indictment

against them, and that the matters whereof the pretended offenders were accused were merely (as the accusers acknowledged) spiritual matters, proper for the spiritual judges, (as they were called,) and that he might have been censured to encroach upon the jurisdiction and rights of the church if he should have cognizance of them, upon which the council were satisfied, and dismissed him from further attendance.

At the quarter sessions at Oxford I was put into the chair in court, though I was in coloured clothes, a sword by my side, and a falling band, which was unusual for lawyers in those days; and in this garb I gave the charge to the grand jury. I took occasion in this place to enlarge myself upon the point of jurisdiction of the temporal courts in matters ecclesiastical, and the antiquity thereof; which I did the rather, because the spiritual men began in those days to swell higher than ordinary, and to take it as an injury to the church that any thing savouring of the spirituality should be within the cognizance of ignorant laymen; yet I was wary in my expressions, and so couched the matter as it might seem naturally to arise from the subject of the discourse, and not to be brought in purposely, and by head and shoulders. The gentlemen and freeholders seemed well pleased with my charge and management of the business of the sessions, and said that they perceived that one might speak as good sense in a falling band as in a ruff, and they treated me at that time, and at all times afterwards when I waited on them, with extraordinary respect and civility. An. 1635. 10 Car.

By the help of the tax of shipmoney a navy was prepared of forty good ships of war, and set out this summer under the earl of Lindsey, admiral, and the earl of Essex his vice-admiral, who had twenty sail more for securing of the narrow seas and of the trade of England. A fleet set out. 24

The king resolves to prosecute his design with a navy royal, to be set out yearly, and therefore it was at court concluded to lay the charge of shipmoney generally upon all counties.

The lord keeper Coventry was ordered to direct the judges to promote that business in their circuits this summer, and to persuade the people to a ready obeying the writs and payments of shipmoney for the next year.

In pursuance hereof, his lordship, in his charge to the

judges in the starchamber at the end of midsummer term, after sundry other particulars, concluded as to this great business to this effect:

Lord Keeper's speech.

You, my lords the judges, are commanded in your charges at the assizes and at all places opportunely to acquaint the people with his majesty's care and zeal to preserve his and the kingdom's honour in the dominion of the sea by a powerful fleet.

And you are to let them know how just it is for his majesty to require shipmoney for the common defence, and with what alacrity and cheerfulness they are bound in duty to contribute.

Some of the judges put on this business in their charges at the assizes with great zeal and gravity, to advance the king's pleasure, but they did not convince many of the legality of that business.

The Hollanders made a league with the French; they were to invade Flanders by land and to infest Dunkirk, and the Hollanders to do it by sea. They prevailed at Diest and Tellemont, but the insolencies of the French and Dutch soldiers caused the natives to beat both of their armies out of the country, and the English fleet persuaded powerfully the Hollanders to remove from before Dunkirk.

The peace at Prague.

The affairs in Germany were somewhat mitigated by the conclusion of the peace at Prague; and the protestants were reduced to their profession as it was settled in the year 1627.

Some fiery spirits on both sides, fomented by cardinal Richlieu, sought to undermine the peace, and to reduce all again to a new quarrel, but the emperor pursued the agreement, confirmed the peace, and forced many to an observance of it.

The Swedes were generally discontented with the peace. The elector of Saxony offered them a 100,000 rix-dollars for a reward, but they refused it, and held what they had gotten in Pomerland and elsewhere; and what they had about Philipsburgh the chancellor Oxenstierne put into the hands of the French.

A ship loaden with many rich spoils of Germany, and goods of a very great value belonging to the chancellor, as himself acknowledged to me, was cast away, and the goods sunk in the sea, within a league of the coast of Sweden.

In November this year arrived the prince elector in Eng-

land, to solicit our king his uncle for his assistance to the restoration of his nephew to his dignity and patrimony: he was received here with all ceremonies and courtesies answerable to his quality and near alliance, and soon after him his third brother, prince Rupert, arrived here also.

Hollanders' present.

In December the queen was brought to bed of a second daughter, named Elizabeth: to congratulate her majesty's safe delivery, the Hollanders sent hither a solemn embassy and a noble present: a huge piece of ambergris, two fair china basons, almost transparent, a curious clock, and four rare pieces of Tintinell and Titian's painting.

Some supposed that they did it to ingratiate the more with our king in regard his fleet was so powerful at sea, and they saw him resolved to maintain his right and dominion there.

Juxton made treasurer.

In March the treasurer's staff was given by the king to Dr. William Juxton, bishop of London, who was commended to his majesty by the archbishop Laud, his old friend and predecessor in the presidentship of St. John's college in Oxford. He was a commoner in that college, and studied the civil law, and therein took the degree of bachelor, and afterwards of doctor of the laws.

Yet with his law he studied likewise divinity, took orders, and was presented to the parsonage of Somerton in Oxfordshire, where he had a convenient livelihood, and there he sometimes resided, and sometimes at St. John's college. He was much delighted with hunting, and kept a pack of good hounds, and had them so well ordered and hunted, and chiefly by his own skill and direction, that they exceeded all other hounds in England for the pleasure and orderly hunting of them. He was a person of great parts and temper, and had as much command of himself as of his hounds; he was full of ingenuity and meekness, not apt to give offence to any, and willing to do good to all.

Letters for ship-money.

The privy council wrote letters to every high sheriff of England, directing them for the taxing and levying of the shipmoney; and that with great care and equality, much beyond what was observed in following taxes. But the gilding of this illegal pill would not cause it to be swallowed down; but many people, especially of the knowing gentry, expressed great discontent at this new assessment

and burden, as an imposition against law and the rights of the subject.

The plague was this year in London, but by the mercy of God did not increase so much as was feared.

I was retained by divers of the country to be of counsel for them at the justice in eyre's seat, appointed to be held for the forest of Whichwood in Oxfordshire; and to furnish and enable myself the better to do them service, and to make and defend their several claims at the justice seat, and to prepare for it, I employed divers of my friends, and took a great deal of pains myself in studying the points of forest learning, and in searching and taking out of records concerning the same, and particularly concerning that forest of Whichwood. I was the more active in this business to gain the respect of the gentlemen, dwelling within and near the forest, who were all highly concerned in it, and I was not unwilling to appear against the designs of the earl of Danby, who sought to promote his own interest under the king's as lieutenant of that forest, and to prejudice the gentlemen and freeholders in their liberties and privileges which they claimed.

The earl of Berks, whose fortune was lower than his mind, betook himself to some new projects, whereof he became a countenancer and partner, hoping to gain much by them to repair his estate; and had gotten a patent from the king for the sole making of a new kind of kiln for making of malt, and laboured to bring the same in use: he was to have money of all those who set up this new kiln.

This year, by a flood near Glucstade in Holstein, were drowned six thousand persons, and about fifty thousand cattle: and by the plague there died in Leyden in Holland twenty thousand persons, besides those that died in the rest of the towns of that country.

Laud's visitation.

25 The archbishop Laud made his visitation, and strictly enjoined and expected a conformity to his orders; one of them, which gave most distaste to many, was, that the communion-table should be removed in every church from the body of the church or chancel to the upper east-end of the chancel, and the side of the table to be set against the wall, altar-wise, with a rail or balluster about it: which was opposed by divers, and the bishop of Lincoln wrote a book called "The

Holy Table," shewing the practice of the primitive times, and arguments against this innovation.

The king's navy of sixty men of war, under the command of the earl of Northumberland admiral, seized and sunk divers of the Dutch busses in the northern seas; and they fled to our king, craving his leave by his grant to fish and trade with the English; which the king was ready to indulge them. An. 1636. 12 Car. Northumberland admiral.

Ferdinand the second emperor, aged and infirm, summoned a diet at Ratisbone, to be held the sixteenth of September, when his son Ferdinand the Third was elected king of the Romans, and was shortly after, upon the death of his father, made emperor. Ferdinand the Second.

Mr. John Hampden, my countryman and kinsman, a gentleman of an ancient family in Buckinghamshire, and of a great estate and parts, denied the payment of shipmoney, as an illegal tax. He often advised in this great business with Holborn, Saint John, myself, and others of his friends and counsel. Several other gentlemen refused the payment of this tax of shipmoney: whereupon the king was advised by the lord chief justice Finch and others to require the opinion of his judges, which he did, stating the case in a letter to them. Hampden refuses ship-money.

After much solicitation by the chief justice Finch, promising preferment to some, and highly threatening others, whom he found doubting, as themselves reported to me, he got from them in answer to the king's letter and case their opinions in these words:

We are of opinion, that when the good and safety of the kingdom in general is concerned, and the whole kingdom in danger, your majesty may by writ under the great seal of England, command all your subjects of this your kingdom, at their charge, to provide and furnish such number of ships with men, victuals, and ammunition, and for such time as your majesty shall think fit, for the defence and safeguard of the kingdom from such peril and danger. And that by law your majesty may compel the doing thereof in case of refusal or refractoriness. And we are also of opinion, that in such case your majesty is the sole judge, both of the dangers, and when and how the same is to be prevented and avoided. Judges' opinion about ship-money.

This opinion was signed by Bramston Finch, Davenport,

Denham, Hutton, Jones, Croke, Trever, Vernon, Berkley, Crawley, Weston.

This opinion and subscription of the judges was enrolled in all the courts of Westminster, and much distasted many gentlemen of the country and of their own profession, as a thing extrajudicial, unusual, and of very ill consequence in this great business or in any other.

The king, upon this opinion of his judges, gave order for proceeding against Hampden in the exchequer, where he pleaded, and the king's counsel demurring, the point in law came to be argued for the king by his counsel, and for Hampden by his counsel; and afterwards the judges particularly argued this great point at the bench, and all of them (except Hutton and Croke) argued, and gave their judgments for the king.

The arguments both at the bar and bench were full of rare and excellent learning, especially in matter of record and history, but they are too voluminous to be here inserted.

Judge Croke (of whom I speak knowingly) was resolved to deliver his opinion for the king, and to that end had prepared his argument: yet a few days before he was to argue, upon discourse with some of his nearest relations, and most serious thoughts of this business, and being heartened by his lady, who was a very good and pious woman, and told her husband upon this occasion that she hoped he would do nothing against his conscience for fear of any danger or prejudice to him or his family, and that she would be contented to suffer want or any misery with him, rather than be an occasion for him to do or say any thing against his judgment and conscience.

Croke alters his mind.

Upon these and many the like encouragements, but chiefly upon his better thoughts, he suddenly altered his purpose and arguments; and when it came to his turn, contrary to expectation, he argued and declared his opinion against the king.

But Hampden, and many others of quality and interest in their countries, were unsatisfied with this judgment, and continued to the utmost of their power in opposition to it; yet could not at that time give any further stop or hinderance to the prosecution of the business of shipmoney, but it remained *alta mente repostum.*

The heralds summoned me to enter my pedigree in their office, according to the order of the earl marshal, which had not been done since the death of my father: I obeyed their order, and produced to them thirteen descents on the part of my father, and fourteen descents on the part of my mother, proved by evidences and other testimony, which were also allowed by them, and entered into the records of their office.

Arundel sent to the emperor.

The earl of Arundel was sent ambassador to the new emperor Ferdinand the Third, where he stayed and treated some months about the restitution of the king's nephew, the prince elector; but being opposed by the duke of Bavaria, who had gotten possession of part of the palsgrave's territories, and by others after their interest; and being discontented at the delays they put upon him in the treaty at the diet, the ambassador, without taking any leave, or effecting any thing for which he was sent, returned home in much distaste and choler.

I spent much money for the transcribing of records for the forest business and for my private study.

I received from my kind friend Mr. Edward Hide a letter from London, directed to me at Fawley-court, wherein he drolls, and says, "Our best news is, that we have good wine abundantly come over; and the worst, that the plague is in town, and no judges die; the old observed baron out of mere frowardness resolving to live. For your bishops, I know no new addition, the one being long since dean of the chapel, the other not mentioned for any preferment."

I found out a conformation, by the means of Mr. Collet, of a perambulation made in the latter end of Edward III.

Mr. Fallconbridge abstracted for me divers notes out of the records remaining in the exchequer. The business of the forest of Whichwood came on, and the earl of Holland sat as justice in eyre.

26 An. 1637. 13 Car.

The sickness began to increase in London, which caused many to post into the country, and kept others from coming to town; and it was thought fit to adjourn part of the term.

Three delinquents were sentenced in the starchamber:

Burton.

Mr. Burton a divine, for writing and printing two smart and sharp tracts against episcopacy.

Bastwick.

Doctor Bastwick, a physician, for writing books reproachful

against the prelates, particularly against archbishop Laud and bishop Juxton. And in his answer to the information against him in the starchamber he hath this passage:

That the prelates are invaders of the king's prerogative royal, contemners and despisers of the holy Scriptures, advancers of popery, superstition, idolatry, and profaneness: also they abuse the king's authority, to the oppression of his loyalest subjects, and therein exercise great cruelty, tyranny, and injustice; and in execution of those impious performances they shew neither wit, honesty, nor temperance. Nor are they either servants of God or of the king, but of the devil, being enemies of God and the king, and of every living thing that is good. All which the said Dr. Bastwick is ready to maintain, &c.

None of the doctor's friends could prevail with him to expunge this and other the like passages out of his answer.

Prynn. The third defendant was Mr. Prynn of Lincoln's Inn, a barrister at law, for writing a book scandalous to the king and church, who had been there censured before, and was now fined five thousand pounds, to lose the remainder of his ears on the pillory, to be stigmatized on both cheeks with an S. for schismatic, and to be perpetually imprisoned in Caernarvon castle.

Burton and Bastwick were fined five thousand pounds apiece, to lose their ears in the pillory, and to be imprisoned, the one in Launceston castle, and the other in Lancaster castle.

I received this letter from Mr. Hide:

To my most honoured friend Bulstrode Whitelocke, esq., at his house at Fawley-court.

My Dear,

I am glad you prosper so happily in issue male. God send the good woman well again, which my wife prays for, as an encouragement for her journey, which she shall shortly be ready for; you may depend on a doe on Monday, God willing, although this weather forbids you to look for a fat one. My pen is deep in a starchamber bill, and therefore I have only the leisure and the manners to tell you, I am very proud that you are a friend to

Your most affectionate servant,

Edward Hide.

Prince elector defeated. The prince elector and his brother prince Rupert departed into Holland, and having gotten together a small army

marched into Westphalia, and besieged Limgea; but was fought with by the emperor's general Halisfield, his army discomfited, two thousand of them slain, and his brother prince Rupert and the lord Craven taken prisoners, himself hardly escaping by flight.

Sentence against bishop of Lincoln.

The bishop of Lincoln was brought to a sentence in the starchamber for disloyal words charged to be spoken by him against the king, and for suborning witnesses to conceal a truth and to stifle a crime. He was at last fined ten thousand pounds, committed to the Tower during pleasure, suspended *ab officio et beneficio*, and referred to the high commission court, for that which concerned their jurisdiction.

Osbaldston.

Mr. Osbaldston was also heavily sentenced in the starchamber upon the business of the bishop of Lincoln; but he got out of the way, leaving a paper in his study with this inscription, *that Lambert Osbaldston was gone beyond Canterbury.*

But Canterbury, after this sentence, sends this warrant to the king's solicitor:

Laud's warrant.

Mr. Solicitor, it is his majesty's pleasure that you prepare a commission to the prebendaries of the collegiate church of Westminster, authorizing them to keep their audits and other capitular meetings at their usual times; to treat and compound with the tenants for leases, and to pass the same accordingly; choose officers, confirm and execute all other lawful acts, for the good and benefit of the college and the said prebendaries: and to take out the common or chapter seal for sealing such leases and grants as shall be agreed upon by the sub-dean and the major part of the prebendaries, and also to pass all the premises, under the style and title of *the dean and chapter of the collegiate church of St. Peter in Westminster*, during the suspension of the bishop of Lincoln from the deanery of Westminster: for the doing whereof this shall be your warrant.

Lambeth-House, this 22nd day of November,
anno Dom. 1637.

W. Cant.

This was held by some lawyers to be a strange warrant, and these proceedings in the starchamber against these persons raised a deep distaste in the hearts of many people, which some expressed by their murmurings, and gave out Canterbury to be the author of them; more particularly

against Lincoln, upon the private grudges and emulation between these two prelates.'

This letter from Mr. Hide came to me:

Sir,

Next your letter, I thank you for your messenger, by whom you enable me to return to you, for I was mourning you had gotten so far beforehand with me, while I knew no conveyance might reach you. Your vicar sent me your first by a porter, but no instruction to find you out. I will not so far lessen my devotion to Fawley, to tell you it is fit I breathe the country air; indeed this beloved town is to me all health; yet I intend nothing more than to visit you this Lent, and be so merry with you, that you shall perceive you have much of my heart in your keeping. The time exactly I dare not promise; however, it shall not be the twenty-ninth; for I am in doctor Moor's disposal for one week's physic, which should have been despatched ere this, but that my lord treasurer's sickness confined him to an attendance solely there, and he would not undertake two persons of such quality together; but he is as dead as you would wish, if he recover not again, as he did yesterday, when he was left by all.

Your pilot calls for my despatch, and will allow me no more time than to tell you I wish you all the contents of your own prayers, and am

Your most humble and
affectionate servant,
Edward Hide.

My little wench desires you to accept her humble service; mine to my little friend.

27 Troubles in Scotland.

The troubles and commotions in Scotland began to arise upon this occasion: king James had designed to bring the kirk of Scotland to a conformity with the church of England; and for that purpose appointed some of his Scottish bishops to compile a form of liturgy, a book of Common Prayer to be used there, which was done, and sent to him into England for his approbation; but nothing farther was effected in that business by king James.

King Charles his son, in prosecution of his father's design, directed archbishop Laud, the bishop of Ely, and other bishops, to review and alter as they pleased that Service-book, which they did with some material alterations from that used in England: and by the advice of these bishops and others,

this new Service-book was sent into Scotland, with command to be there read.

First, in the chapel of the king's house at Edinburgh, the communion to be administered in that form, and taken on their knees, the bishop in his rochet, the minister in his surplice. The Scottish bishops liked the matter of the book, but not the imposing of it from our church upon theirs, nor the different translation from the Scottish language of some of the psalms, epistles, and gospels, which, to satisfy them, was amended, and the book proclaimed to be read in all churches.

On Sunday, July 23, the dean of Edinburgh began to read the book in the chief church of the city; upon which the people in a tumultuous manner filled the church with uproar, which caused the bishop of Edinburgh to step up into the pulpit to appease them, by minding them of the holiness of the place.

This enraged the multitude the more, so that the women and men threw cudgels, stools, and what was in the way of fury, at the bishop, to the endangering of his life.

The chancellor seeing this, called down from the gallery the provost, baileys, and magistrates of the city, then sitting there, who thrust the rabble out of the church, and made fast the doors; so the dean proceeded in his Common Prayer, only he was disturbed from the outward man, the multitude without rapping at the doors, pelting the windows with stones, and making hideous noises: nevertheless, the service was ended, though not the people's rage, who assaulted the bishop returning to his lodging; and in other churches the people's disorders were answerable.

The chancellor and council so ordered the business for the afternoon, that the Common Prayer was read without disturbance, only the bishop, returning to his lodging, was rudely treated.

The magistrates of the city seemed to distaste these tumultuous actions, and to inquire out the actors; and by desire of the city ministers the magistrates drew up an obligatory act for indemnity of their persons, and settling of their maintenance.

During harvest, men were at work, and quiet; that being ended, many resort to Edinburgh, petition the council that

the Service-book may no farther be pressed upon them till the king's farther pleasure were known.

Proclamations.

The council fearing danger issue three proclamations:

1. To dissolve their meeting in relation to church matters, and all to repair home.

2. For removing the session from Edinburgh to Lithgow.

3. For calling in and burning a seditious book, entitled, "A Dispute against the English Popish Ceremonies, obtruded upon the Kirk of Scotland."

These proclamations increased the flame; and the next day, the bishop of Galloway, going to the council-house, was followed in the streets with railings, and the house beset with clamours and menaces; the earl of Traquair, going to relieve the bishop, became in the same condition with him. The lord provost and city-council were called to raise the siege; but they returned answer, that their condition was the same, surrounded with the multitude, who had forced them, for fear of their lives, to sign a paper to adhere to them in opposing the Service-book, and to restore Ramsey, Rollock, and Henderson, silenced ministers.

The lord treasurer, going to the council-house, was thrown down by the throng, his hat, cloak, and white staff taken from him.

The lords, in this danger, sent for some noblemen and gentlemen who were disaffected to the Service-book, to come to their aid, who came, and quietly guarded them to their several lodgings.

Then the council issued a proclamation to repress the disorders, but little obedience was given to it: the citizens sent commissioners to the council to have their ministers restored, and what they had promised to be performed.

Scots petition.

A petition was sent to the council board, not of the multitude, but of noblemen, barons, ministers, burgesses, and commons, against the liturgy and canons.

This petition was sent to the king, who, displeased at it, gave instructions for adjourning the term to Sterling, 24 miles from Edinburgh, to prevent confluences of people, and for publishing a proclamation forbidding such tumultuous resorts upon the highest penalties.

Upon the reading of this proclamation at Edinburgh, the earl of Hume and the lord Lindsey and others caused their

protestation against it to be read, and agreeable thereunto erected four tables: 1. of the nobility; 2. of the gentry; 3. of the boroughs; 4. of the ministers: these were to prepare what was to be propounded at the general table, consisting of several commissioners chosen from the rest.

The first act of this general table was a renewing of the ancient confession of faith of that kirk, and entering into a general covenant to preserve the religion there professed, and the king's person.

The council, upon this combination, sent an express by sir John Hamilton to the king, to advertise him thereof. The king observed, "that in this covenant, contrary to what was formerly, neither his own nor his delegated authority was implored: and whereas preceding bands annexed to confessions were formed in defence of himself, his authority, and person, this new edition hath a combination against all persons whatsoever, himself not excepted."

The king, though highly offended at these affronts, yet studying how to compose the discontents, sent the marquis of Hamilton his high commissioner into Scotland for settling of the peace. Hamilton.

He stayed many days at Dalkeith, four miles from Edinburgh, yet none of the covenanters came to him; but at the solicitation of the city, and assurance of their quiet deportment, he came to Edinburgh, and there fell presently into communication with the covenanters.

1. What they expected from the king in satisfaction to their grievances.

2. What assurance they would give of their returning to due obedience and renunciation of the covenant.

To the first they answered, that nothing but a general assembly and a parliament could give them satisfaction. 28 Covenanters answer.

2. They answered, that they disavowed any retreat from their loyalty, and therefore needed no return towards it.

And for the covenant, that they would sooner renounce their baptism than it, and would not endure to hear this proposition a second time.

The covenanters doubled their guards upon the castle and city, and the marquis, for his safety, returned to Dalkeith, and sent to the king for new instructions.

His majesty ordered him to publish the king's declaration, The king's declaration.

assuring that kingdom of his constancy in the protestant religion; that he would not farther urge the practice of the canons and Service-book, but in a fair and legal way, and had given order for the discharge of all acts of council concerning them. And that he had taken into consideration the indicting of a general assembly and parliament, wherein might be agitated what should most concern the peace and welfare of the kirk and kingdom. Whereupon he expected that those his subjects, sensible of his gracious favour, would give testimonial of their future loyalty, and no farther provoke him to make use of that power which God had given him for the reclaiming of disobedient people. As soon as the proclamation was ended, the covenanters were ready with a protest against it, highly distasted to have their actions branded with the notion of disobedience; and declared, that they would never abandon their covenant upon such suggestions: and that they would not wait the king's conveniency for calling of an assembly, but if he did not approve of their proceedings they would call a general assembly themselves.

Covenanters protest.

The marquis, finding them thus obstinate, told them that the stock of his instructions was spent, and that he must resort to England for a fresh supply.

Thereupon the covenanters acquainted him that they expected his majesty's answer and his return upon the fifth of August next, at farthest, and promised in the mean time to continue in a peaceable condition, and not to act any thing till his return.

The marquis came to England to the king, making known to him the state of his affairs in Scotland, and was despatched away with new instructions, so as by the time prefixed he returned to Scotland.

By the fifth of August the marquis returned to Scotland, and there found a rumour that he approved the covenant, which occasioned him for his vindication to call in the lords of the council, and others of the nobility, to be his compurgators. Then he falls to confer with the covenanters about indicting of the assembly, demanding of what members it should consist, and of what matters they should treat.

At which the covenanters in great passion answered, that these proposals were destructive to their liberties, and a pre-

limitation of that assembly, who ought to be free, and to be judge both of their own members and the matters of their cognizance.

This caused the commissioner to declare his instructions to indict an assembly upon the concession of ten articles. To which the covenanters would not assent, but appealed to the general assembly; where they said those matters were properly to be decided.

Upon this refusal, the commissioner resolved to go again for England, and the covenanters raised a rumour, that he had neither power from the king nor inclination to give the people satisfaction, which seemed so to incense him, that he contracted his former proposals into two:

Hamilton's proposals.

1. That no laics, nor any but ministers of the presbyteries should have votes in the choosing of ministers for the general assembly.

2. That things ecclesiastical should be left to be determined by the assembly, and things settled by acts of parliament, to the parliament.

This being granted, he would presently indict a general assembly; and promised upon his honour immediately after to call a parliament.

The covenanters were so distasted at these proposals, that they presently gave order for a general assembly; but upon second thoughts, they held fit to forbear till the commissioner should return from the king with a more pleasing answer, for which they gave him time till the 21st of September next, promising in the interim not to proceed to election.

The commissioner posted to the king, who advising with his privy council, and pursuing the advice of his council in Scotland, resolved on a way which he thought would take away all discontents there, and sent back the commissioner with ample instructions for that purpose. Who returning within the time limited, found that the covenanters had ordered an election to be on the next day, the 22d of September, yet took no notice thereof, but according to his instructions assembled the council, and delivered to them a letter from the king, acquainting them with what course he meant to pursue for the benefit of the kirk and state. Then he appointed the king's declaration to be read, wherein he nulled the Service-book, the Book of Canons, the high com-

Declaration.

mission, discharged the pressing of the five articles of Perth, ordered that all persons whatsoever, ecclesiastical or civil, should be liable to censure of parliament and general assembly; that no other oath be administered to ministers at their entry, but what was contained in the act of parliament; that the ancient confession of faith, and band thereunto annexed, should be subscribed and renewed as it was in his father's time. That a general assembly be holden at Glasgow, Nov. 21st, and a parliament at Edinburgh the 15th of May next, wherein he pardoned all bygone offences, and indicted a general fast.

After this declaration published, the confession of faith was read and subscribed by the marquis and the council. Then a proclamation for the general assembly, and another for the parliament. Then an act of the council requiring a general subscription of the confession of faith, and a commission to divers for taking the subscription.

Covenanters protest.

The covenanters brought up the rear with a protest, moved the people to consider with whom they had to deal, decried the new subscription to the confession of faith, and excepted against the archbishops and bishops, as not to have any votes in the assembly.

Then they elect commissioners for the assembly; and order at their table, that every parish should send to the presbytery one layman, whom they styled *a ruling elder*, to have equal vote with the minister.

They moved the commissioner for his warrant of citation against the archbishops and bishops, to appear at the assembly as delinquents, which he refusing, they framed a bill against them for many misdemeanours, which was preferred to the presbytery at Edinburgh against them, and they warned them to compeer at the general assembly at Glasgow.

The day of the assembly, the marquis's commission was read, and the next day a declaration and protestation was
29 presented to the commissioner in the name of the archbishops and bishops, against the assembly; and containing a nullity of it. This was denied to be read, against which refusal the commissioner entered a protestation, and took instruments thereupon.

In the debate of elections, they left no man standing as a

commissioner who was not fully of their mind; but the admission of lay elders passed not without an high contest.

Many places protested against the legality of their session, and the king having nominated six lords of his privy council to be assessors to his commissioner in that assembly, they refused to entertain them, or allow their suffrage, affirming, that if the king himself were present, he should have but one vote, and that no negative one.

The commissioner seeing no good likely to be done by continuing the assembly, and upon consultation the council advising to dissolve it, he went thither, and caused a paper to be read, which was a declaration, the same in effect with the proclamation, discharging the Service-book, Book of Canons, &c.

After the reading of it, the commissioner signed it, and required it to be entered in the books of the assembly; provided that the registering thereof be no approbation of the lawfulness of the assembly; and protested that whatsoever should be done or said in it, should not be obliging or reputed as an act of a general assembly.

The commissioner assembled the council to draw up a proclamation for dissolving the assembly, which, being agreed on, was subscribed by all but the earl of Argyle, who now began to shew himself for the covenanters' party. Argyle.

The publishing of the proclamation was encountered with a protestation of the covenanters, that it was lawful for them to continue the assembly, and that they would still adhere to all their former protestations. In pursuance hereof, they presently declared six former general assemblies (which they thought would be against them) to be null; then they deprived all the bishops, and some they excommunicated, and soon after they abolished episcopacy itself, as inconsistent with the laws of that church.

The commissioner being returned in discontent for England, the covenanters began to levy soldiers, to impose taxes, to raise fortifications, to block up some and seize others of the king's castles, and to prepare for war. Covenanters prepare for war.

This was the fountain from whence our ensuing troubles did spring, and therefore may deserve the larger relation, and tend the more to the full knowledge and understanding of our following public story.

Calvin. It was now 100 years since Calvin first set his foot into Geneva, from whence the bishop being expelled, it was necessary to institute some other ecclesiastical government. Calvin being of great credit and esteem in that city, the framing of this new government was committed to his care; he observing the civil state there to be democratical, he thought it must best suit therewith and with the liking of the people, to frame the ecclesiastical government agreeable thereunto. He therefore formed a consistory of elders, a great part whereof were laymen, and they were to manage all matters ecclesiastical. This pleased the people of Geneva, and some entitled it to a *jus divinum*, and it found good reception in the Gallican and Belgic churches, where it was generally settled.

The next design was to plant it in Britain, for which end Beza writes to queen Elizabeth recommending this form to her, as the only thing to be desired in England's reformation; the queen was loath to proscribe episcopacy, and to entertain this new model of presbytery, and therefore gave Beza his saying, but not his desires; and shortly after, she and the parliament (whereof some members inclined to this way) were admonished in several treatises written and dedicated to them, to abolish episcopacy as antichristian.

But the queen and the parliament stood fixed, and could not be wrought to any unsettlement of the ancient discipline by episcopacy.

In Scotland the new form prospered better, for there, about the year 1560, the earl of Murray, prior of St. Andrew's, the queen's base brother, with his party Knox, Buchanan, and others, gave such a shock to popery, as made every thing (and by consequence episcopacy) which stood near it, to reel.

Yet in twenty years it could not be supplanted, but it was gained upon by degrees, first in an assembly 1580. It was ordered, that all bishops, on pain of excommunication, should resign up their offices, and about three years after, the parliament (the king being a minor) annexed their temporalities to the crown of Scotland.

Whitgift's articles. This was supposed to be instigated from some of the nobility and ministers from England; whereupon the then archbishop Whitgift, by the queen's command, contrived

three articles in the late canons, to which all were to subscribe at their taking of holy orders:

1. Acknowledging the supremacy of the queen.

2. Professing conformity to the Book of Common Prayer, and approbation of the Book of Ordering of Bishops, Priests and Deacons.

3. Assenting to the Thirty-nine Articles of the Church of England. In Scotland the hierarchy began somewhat to revive again, by their parliaments ratifying the clergy as the third estate, 1584.

But the other party, 1592, prevailed with that state to ratify their discipline. Thus episcopacy and presbytery took their turns of government for about thirty years. Episcopacy restored.

But about the year 1598, king James caused the prelates in Scotland to be restored to their votes in parliament, and in his book *Basilicon Doron* he expressed no great affection to the consistorian government.

1603. At his accession to the crown of England, he was urged by petition of 1000 ministers against episcopacy, but he slighted it; and by several acts of parliament in Scotland he rescinded what had been formerly enacted there to the prejudice of episcopacy, and from that time till these commotions this year in Scotland the presbyters did not appear in opposition.

In October, Mary de Medices, the queen-mother of France, came into England, the people were generally discontented at her coming and at her followers, which some observed to be the sword or pestilence; and that her restless spirit embroiled all where she came. The queen-mother in England.

That her combining with monsieur the duke of Orleans, and the ill success of that enterprise, made France too hot for her, and drove her to Brussels, where the cardinal infanta caressed her a while; but there she was pursued with such curses, that for fear of violence to her person, she quitted that country, and betook herself to the protection of the prince of Orange, where she stayed not long, but receiving an invitation from the queen her daughter she repaired into England.

The king perceiving that the Scots intended nothing but war, thought not fit to yield them the start, but by advice of the archbishop Laud and others, he hastened his levies of 30 Preparations for war with the Scots.

men and money; and because this was the bishops' war, it was held fit that they should contribute largely towards the preservation of their own hierarchy.

Accordingly orders were issued from the council to the archbishops of Canterbury and York, requiring them to send forth directions to all the bishops within their provinces, to assemble the clergy of their dioceses, and to invite them to a liberal aid.

With theirs and the voluntary contributions of divers of the nobility and gentry, the king had gotten together a considerable power, whereof the earl of Arundel was made general.

Arundel general.

Declaration.

The king sets forth a declaration, to inform his subjects of the seditious practices of some in Scotland, seeking the overthrow of regal power under false pretext of religion. Discovers their traitorous intentions by the multitudes of their pamphlets and libels against regal authority; and by their letters to private persons, inciting them against the king, by their covenanters' private meetings in London and other places of the kingdom; by their contempts and protests against his commands; by rejecting his covenant, and taking up a covenant of their own, of conspiracy against him, and by their hostile preparations of arms.

He remonstrates all the former passages of his grace, clemency, and indulgence towards them; and their undutiful returns, and their insolencies, by erecting a print, raising taxes, blocking up and besieging his castles, taxing his subjects, slighting his counsellors, and setting up of tables. He takes God to witness he is constrained by these their treasons to take arms for the safety of that and this kingdom.

He resolves to maintain episcopacy there, and refers to a larger declaration coming forth.

The covenanters answer.

To this the covenanters answer by theirs at Edinburgh, that though the secrets of God's way cannot be sounded, yet considering his providence, in their personal affairs, the Lord is about some great work on earth, for the cup of affliction propined to other reformed kirks is now presented to them, although instead of a gracious return of their humble petitions from time to time, the return is a late declaration libelled against them, though the gates of hell shall not prevail against their cause, and the kingdom of Jesus

Christ now in question; which declaration proceeds from the unchristian prelates and their party, they mention their long suffering of the prelates' insolency against their ministry, purity of doctrine, their reformation, fearing popery to be introduced.

And for doing any harm to England, cursed be their breasts if they harbour any such thought; implore the good opinion of their well affected brethren in England, and to conclude their war defensive, they cite the law natural and civil; that it is enough for defence, that the offer of offence, or just fear of offence, go before; as we profess it to be our case at this present, even the defence of God and his religion.

Their remonstrances, declarations, and pamphlets were dispersed, and their emissaries and agents insinuated into the company of all who were any way discontented or galled at the proceedings of the state of England.

The gentlemen who had been imprisoned for the loan, or distrained for the shipmoney, or otherwise disobliged, had applications made to them from the covenanters, and secretly favoured and assisted their designs; so did many others, especially those inclined to the presbyterian government, or whom the public proceedings had anywise distasted.

I wanted not solicitations on the behalf of the covenanters, but I persuaded my friends not to foment these growing public differences, nor to be any means of encouraging a foreign nation, proud and subtle, against our natural prince, and feared great and evil consequences thereof.

The king's army being in readiness, the earl of Arundel An. 1639. 15 Car.
their general, the earl of Essex lieutenant-general, the earl of Holland general of the horse; the navy stored with corn and ammunition, was intrusted under the command of the marquis of Hamilton their admiral.

He sailed to the Firth in Edinburgh, and there anchored, loitering for the king: he received a visit from his mother, a rigid covenanter, which caused the rest to interpret that the son of such a mother would do them no harm.

The king's army were to rendezvous at York, and their march thither in several companies: many insolencies, robberies, and murders were committed by the soldiers in the countries where they passed, to the farther discontent of a great number of the king's faithful subjects.

The king at York revokes several projects and monopolies.

At York the king with his council revokes and makes null a great number of unlawful grants and projects, which he had formerly passed, to the grievance of his people. In most whereof the marquis and the Scots had a hand and share.

The earl of Holland, general of the horse, had gallantly furnished himself with horses and all other necessaries.

The king's army, as gallant as ever attended any of his predecessors in Scotland, marched to Berwick in gaze of the enemy, and there was only an interview of each army, but no fighting.

By the way the king gave leave to the Scots to apply themselves for mercy by capitulation of the earls of Roxburgh and Traquair; and they were to meet him at York, where one of them was committed for tampering with some English lords; and Traquair was confined at Newcastle; but both of them were soon released and sent home, after they had done some secret business, tending to the betraying of their king to their companions, and provided for intelligence.

After this, the courage of the English lords seemed to be cooler than before, and the Scots advanced; the earl of Holland, with his horse brigade, observed only their motion, and so retreated; and the English foot retired more hastily.

The English hasten to the overtures tending to pacification, and persuade the king not to enter Scotland by way of invasion, which would irritate them the more, but to encamp on English ground.

Articles of pacification.

The Scots commissioners sent for the pacification fall down at the king's feet, humbly profess their loyalty and obedience, and desiring only the enjoyment of their religion and liberties.

After some treaty by commissioners on both parts, articles of pacification were concluded to this effect:

1. The forces of Scotland to be disbanded within twenty-four hours after the agreement.

2. The king's castles, ammunition, &c. to be delivered up.

3. His ships to depart after the delivery of the castles.

31 4. All persons, ships, and goods detained by the king to be restored.

5. No meetings, treaties, or consultations to be by the Scots, but such as are warranted by act of parliament.

6. All fortifications to desist, and to be remitted to the king's pleasure.

7. To restore to every man their liberties, lands, houses, goods and means.

These articles were signed by the Scots commissioners, and a present performance of them on their part promised and expected.

The Scots published a paper, very seditious, and against the treaty, which was burned by the hand of the hangman.

The king justly performed the articles on his part, but the Scots kept part of their forces in body, and all their officers in pay.

The king, informed of this, was highly displeased; but unwilling to do any thing to the interruption of the pacification, and what was agreed upon by his commissioner, the marquis of Hamilton, which his majesty had confirmed.

The covenanters keep up their fortification at Leith, and their meetings and councils, and enforce subscription to the late assembly at Glasgow, contrary to the king's declaration, they brand those who had taken arms for the king, as incendiaries and traitors, and null all the acts of the college of justice. The covenanters perform not.

Matters being in this doubtful posture, the king had little mind to see himself affronted, and thought that these distempers might be better borne and sooner quieted at a distance. Therefore towards the latter end of July he returns to England.

This year was the great and strange eruption of fire, near the Ferrara islands, with a horrible noise, and carrying a huge quantity of earth with it, whereby became a new island, and continuing in burning.

The king being returned to London with his pacification, the same was not well relished by many of his subjects, who held it dishonourable to him and to this nation, especially having so brave an army with him, far exceeding the covenanters' forces, both in horse and foot, by whom he might have constrained them to reason; but those who inclined to presbytery, or were discontented at some public actions, were the better pleased with this pacification.

August 6. According to the king's direction, the general Assembly at Edinburgh.

assembly sat at Edinburgh; who abolished episcopacy, the five articles of Perth, the high commission, the liturgy, and the Book of Canons: all this was assented to by the earl of Traquair, the king's new commissioner, the marquis of Hamilton having gotten himself out of this troublesome employment.

Parliament. The assembly being risen, the parliament sat, and highly debated about the choice of the lords of the articles, in regard the bishops were abolished.

Lords of the articles. The ancient course was, that the king first named eight bishops, they chose eight noblemen, who chose so many barons, and they the like number of burgesses; these thirty-two, with eight officers of the crown, made up forty, who were to consider upon such articles as were to be brought to parliament, and this committee were called *lords of the articles*.

The commissioner demanded, that the king, instead of the eight bishops, whom he used to name, might now in their place name eight noblemen, which for this time was consented to; but voted, that for the future every state should choose their own commissioners.

Then they debated about constituting the third estate, and what to be brought in in lieu of the bishops. The commissioner urged for the king to have fourteen laics of such as were called abbots and priors, to represent the third estate; but it was voted that the third estate should be completed by small barons, who represented the commonalty.

The parliament in Scotland prorogued. Then they framed an act recissory touching the exchequer judicatory, proxies, and ward-lands, to the displeasure of the king; who apprehending them to endeavour a new form of government, and to eclipse his regal power, ordered his commissioner to prorogue them.

Their declaration. Which being signified to the parliament, they made a declaration, that this prorogation was of no force in law, being without consent of the parliament; that they might justify their continuance of sitting; but in regard to his majesty, they would only at present make a remonstrance to him of the reasons of their propositions and proceedings; after which, if their enemies should prevail by false suggestions, that then it should not be to them an imputation

that they were constrained to take such course as might best secure the kirk and kingdom from the extremity of confusion and misery.

Their deputies, the earl of Dumferling and the lord Loudon, came to the king with this remonstrance, and there was come the earl of Traquair, the king's commissioner; a committee of the council heard both parts, and many passionate expressions and recriminations between them. The deputies justified the acts of the assembly and parliament, and desired they might be ratified; the which the committee thought not fit to be done, as lessening the sovereign authority, and that there was no way but by force to reduce the covenanters.

The Scots had delivered a paper to some of the English lords, entitled, "Some Conditions of his Majesty's Treaty with his Subjects of Scotland before the English Nobility."

The privy council judging this paper to be false and scandalous to his majesty and the late pacification, were suitors to his majesty that it might be burnt by the hand of the hangman, and all copies of it to be brought in, for which a proclamation was issued.

Spanish fleet beaten by the Dutch.

The Spanish fleet of about seventy sail, bound for Dunkirk with recruits of men and money, met with some of the Holland fleet, and sank two of them; the rest made to Dunkirk, where the Holland admiral lay, who came forth with his fleet, and joining together betwixt Dover and Calais attacked the Spanish fleet, took two of their galleons, sunk another, and shattered the rest, though but twenty-five sail, and the Spaniards sixty; and having forced them upon the English coast near Dover, the Dutch fell off to sea, not willing to attempt any thing against the Spaniard within the dominions of the king of England.

The Spanish resident in London importuned the king to keep off the Hollanders for two tides; the Dutch ambassador made application to him against the Spaniards; the king, in amity with both, resolved to stand neuter, and forbids his subjects to transport any of the Spaniards to Dunkirk; but their admiral by night conveyed away fourteen Dunkirk ships, and 4000 men in them. The king sent the earl of Arundel on board the Spanish admiral Don Antonio D' Oquendo, to desire him to retreat upon the next fair wind,

because he would not have any engagement upon his seas; but the wind continued long contrary, and the Dutch had
32 great supplies, wherewith they encompassed their enemies within pistol-shot for some days.

At length Van Trump, the Dutch admiral, engaged them, and by cannon and fire-ships forced them to cut their cables; and of fifty-three Spanish ships twenty-three ran on shore and stranded in the Downs; of which, three were burnt, two sunk, and two perished on the shore; the rest were manned by the English, to save them from the Dutch.

With the other thirty ships Don Oquendo put to sea, where in a fog the Dutch again engaged them, fired the admiral of Portugal, took eleven of their ships, three were lost upon the coast of France, one near Dover, five sunk in the fight, and only ten escaped with their admiral Oquendo into Dunkirk.

This armada was believed by many to have been designed for an invasion of England; and many discourses *pro* and *con* were vented about it.

The prince elector came into England by advice of the prince of Orange, to solicit his uncle to procure him the command of the army of duke Bernard, who was lately dead; the king desired the French ambassador to move it to his master, who willingly undertook it, and that cardinal Richlieu would be ready to further it.

In the mean time the prince by ill advice passed through France in disguise to go towards the Swedish army, but the king's fleet in the Downs saluting him by the way, and his own ship discharging a volley at his landing at Boulogne, and by other means, he was discovered; and denying himself upon examination, he was secured by a guard; and the king of France took this passage ill from him, and he was a great while kept in the nature of a prisoner.

Prince elector made prisoner in France.

The Scots commissioners returned home to Edinburgh the same night, the 19th of November, that a great part of the castle-wall fell down with the cannons mounted, which some of the covenanters supposed to be done by way of treachery to them, and opposed the reedifying of it by the king's command, not permitting materials to be brought to repair it. Whereat the king was highly offended, and concluded upon force to bring them to obedience; for which end he

chose a select number of his council into the cabinet of the Scottish affairs.

Some gave out that this was done by the archbishop Laud's advice, and to keep out Pembroke, Salisbury, Holland, and others, late commissioners in the pacification, whom the archbishop is said to call *the hunting lords*, but Hamilton was kept in; at last their number was brought to three only, the archbishop, Strafford lieutenant of Ireland, and Hamilton.

This junto met the 5th of December, where the king discoursed of the present evils and necessity of sudden preventing the growth of them, before it should be beyond remedy; which he declared in his judgment ought to be by the assistance and consent of a parliament in England.

Strafford acknowledged it the best means, and highly approved and magnified the king's resolution herein; the archbishop was said to agree therein, and Strafford had the honour of the people's good opinion for promoting this resolution.

A parliament was likewise to be called in Ireland, and Strafford to go thither, and return back again to the parliament here, which was appointed to meet the 13th of April following. A parliament appointed.

In the mean time (and it was a strange time for such a business so near the sitting of a parliament) the king tells his lords, that it will be long ere the parliament meet, and subsidies granted by them will be long in levying. In the interim his affairs will suffer, without some speedy course for supplies.

Hereupon the lords told him they would engage their own credits: Strafford begins, and subscribes for twenty thousand pounds; Richmond the like; Hamilton excuseth himself for poverty: most of the rest subscribed, and some few refused. The judges and officers of courts of justice, ecclesiastical and temporal, were assessed by the council, according to the quality and profit of their places. Subscriptions.

The queen employed sir Kenelm Digby and Mr. Walter Montague to labour the papists for a liberal contribution to the king, which they gained; and thereupon some styled the forces raised *the popish army*.

The news of a parliament to be called raised the expecta-

tions of many for good, and did set divers on labouring to get themselves to be chosen parliament-men, and the courtiers to get their friends chosen.

Coventry dies.

The beginning of January died the lord Coventry, who had been keeper of the great seal above fifteen years: he raised a great fortune and barony for his posterity, was of no transcendent parts or fame, but, as some gave out, he died in a seasonable time.

Commissioners from Scotland.

The Scots covenanters sent new commissioners to the king; the earl of Dumferling, the lord Loudon, sir William Douglas, and Mr. Berkley; the two last not mentioned in the commission. The lords only authorized to plead integrity and demonstrate their fidelity, but not empowered to propose any particulars towards a mediation to the king's satisfaction.

They had great resort to them, and many secret counsels held with them by the discontented English, chiefly by those who favoured presbytery, and were no friends to bishops, or had suffered in the late censures in the starchamber, exchequer, high-commission, and other judicatories.

Those also who inclined to a republic had much correspondence with them; and they courted all, fomented every discontent, and made large and religious promises of future happy times.

The earls of Essex, Bedford, Holland, the lord Say, Hampden, Pym, and divers other lords and gentlemen of great interest and quality were deep in with them.

The covenanters in this time imprison divers lords and others, affected to the king's service.

They procure from the Hollanders divers officers, Scots and others, with liberty to keep their commands there; and great store of arms and ammunition upon trust; but those officers in the Hollanders' pay, who came over to serve the king, were there cashiered: the king would say of them both, that they were lost by favours, and won by punishment.

The covenanters proclaim their discontents, and implore aid from the French king, by a letter under the hands of many of their principal actors, which they the less doubted, upon confidence of cardinal Richlieu and Con the pope's nuncio.

Loudon sent to the Tower.

The original letter happened to be brought to our king, and it being found to be the character of the lord Loudon,

he was (though a commissioner from the covenanters) committed to the Tower.

It was said, they were encouraged to take arms from car- 33
dinal Richlieu by his chaplain Chamberlain, a Scot, whom he sent to them, and by letters which Hepburn, a page to his eminence, brought to divers here and in Scotland.

They seized upon Edinburgh, Stirling, and Dumbarton castles. They are reported likewise to offer the isles of Orkney and Shetland to the king of Denmark, and to desire assistance from him and from the Swedes, Hollanders, and Poland.

That the Jesuits had their hands and wits in promoting these troubles, is set forth in a long letter to the archbishop Laud, from a nobleman of Bohemia, one Andreas ab Habernfield, which Mr. Prynn hath published in print, upon trust (as he useth to do) as well as others.

Mr. Bagshaw was reader of the Middle Temple in the Lent vacation this year: he was a hard student, and much inclined to the nonconformists' way, and to publish some of his learning in favour of them: he chose for his statute to read upon 25 Edw. III. ch. 7. In his speech in the hall he said he had intended to meddle with prohibitions, but not, with Tacitus, to follow truth too near the heels, for fear of his teeth, nor too far off, lest he lose it; and so neither to offend nor be offended. Bagshaw's reading.

In his first case he made one point, Whether it be a good act of parliament which is made without assent of the lords spiritual?

The reader argued affirmatively,

1. That they do not sit in parliament as bishops, but by reason of the baronies annexed to their bishoprics, which was done 5 Will. I, and all of them have baronies except the bishop of Man, and he is not called to parliament.

2. He cited some parliaments to be held without any bishops, Kelway's Reports, 7 Hen. VIII. fol. 184. that the presence of bishops in parliament is not necessary.

3. That divers acts have been made when the bishops were present and did not consent; as the act of conformity, 1 Edw. VI, and of supremacy, 1 Eliz.

4. That in parliament, though the bishops dissent in any matter, yet the major part of the barons agreeing to it, and

the house of commons concurring, it shall pass as an act, because the bishops' votes are overruled by the major vote of the barons.

5. That the bishops cannot sit in case of blood in judicature; but they may sit to enact laws, yet not to give assent for execution of them, in case of any murder or blood.

In his second case he had this point:

Whether any beneficed clerk were capable of temporal jurisdiction at the time of making that law?

To this he argued in the negative:

1. That the first clergymen that ever were made justices of the peace, or had power in temporal jurisdiction, were the bishops of Durham and York, 34 Edw. III, nine years after this act, so not *a principio* but *a tempore*.

2. That before the statute of conformity, 1 Edw. VI, the clergy were not put in commission for temporal power; and the reason of their being then admitted was to persuade the people to conformity, not to give judgment against them.

3. If in conscience (because of their spiritual calling) they hold it not fit for them to meddle in temporal causes, they may refuse.

In his third case he had this point:

Whether a bishop, without calling a synod, have power as a diocesan to convict an heretic?

To this he argued in the negative:

That although by the bloody statute of 2 Hen. IV. some supposed grounds may be raised for maintenance of that authority, yet it is not full: and besides (which is the main reason) the commons did not assent to the making of that law; for he said, he had searched the records, and found that act only passed by consent of the lords spiritual and temporal, and the commons not mentioned therein.

His arguments being reported at court, he was commanded not to proceed in his reading. He repaired to the lord keeper with the heads of his arguments, who said, it was good law, but not seasonably delivered; and that as he was prohibited by the king, so he must have his license, or else he could not proceed in his reading, and advised him to move the archbishop Laud therein.

After the reader had twice attended at Lambeth without admittance, the third time he spake with the archbishop, who

told him, that he had fallen upon an unfit subject, and in an unseasonable time, and that it would stick closer to him than he was aware of.

The reader excused himself, that he had chosen this statute two years before, and could not alter suddenly what he had before framed; that the business about bishops in another kingdom did not concern this, and that he had no ill intentions.

The archbishop answered, that perhaps he had done better to have given it quite over at the first, than to suffer by it as he was like to do.

The reader replied, that what he had delivered was good law, and he was able to maintain it, and would stand by it, and hoped he need not to fear any man's power, in regard his cause was lawful and warrantable; but he humbly desired his majesty's leave to finish what he had begun.

The archbishop said, his majesty had otherwise resolved of it. So the reader came away, and shortly after went out of town, accompanied with forty or fifty horse, and in good credit with the gentlemen of that society.

April 13, 1640, the parliament met, when the earl of Strafford was led into the lords' house by two noblemen, to take his place according to his degree. An. 1640. 16 Car. A parliament.

He gave an account to the house what he had done in Ireland, having there obtained a grant of the parliament of four subsidies, for the maintenance of ten thousand foot and fifteen hundred horse. And it was urged by some as a good precedent for the parliament of England.

The lord Cottington reported in the lords' house, that by the king's command he and secretary Windebank and the attorney-general had examined lord Loudon in the Tower, touching the letter of the covenanters to the French king; that Loudon acknowledged the handwriting to be his, and that it was framed before the pacification at Berwick, to be in readiness, but was never sent to that king, and that it was suppressed upon the pacification.

The lords nevertheless thought fit that Loudon should be continued in the Tower until farther evidence, either to convict or to clear him.

Glanville, who had engaged to be a better servant to the king than formerly, was now speaker of the house of com- Glanville speaker.

mons, and very active to promote his majesty's desires, whereof he gave sufficient testimony, and of the change of his former opinion.

Message from the king.

A message was sent by the king to the commons, which was for supplies, representing to them the intolerable indignities and injuries wherewith the Scots had treated him;
34 and he declared, that if the house of commons would assist him, suitable to the exigency of his occasions, he would quit his claim of shipmoney, and give them contentment in all their just demands.

This message did take much with the house; the speaker, sir John Wray, and others, cried it up, yet they first insisted upon a security in three points:

1. For clearing the subjects' property.
2. For establishing religion.
3. For the privilege of parliament.

Many conferences were between the lords and commons, and warm debates in both houses upon the old question; which should precede, the king's supply or the subjects' grievances?

In the debates, Strafford was magnified for being a chief instrument to bring on this parliament; at length, the lords, after a strong division, voted for the king, and the house of commons for the subjects.

But it was not long ere this difference was unhappily decided; secretary Vane, who, by the king's appointment, was to make known the particulars of his desires, demanded twelve subsidies.

At which high and unreasonable demand (as some called it) many of the house of commons were greatly distasted, and expressed themselves to that purpose, yet were generally inclined to have given (no usual or lean gift) the gift of six subsidies.

Sir H. Vane censured.

Sir Henry Vane escaped not without his censures, that his commission from the king was but to demand six subsidies; and that his mistake in requiring twelve subsidies was industrious, and on purpose to raise the house to animosity: which took effect, but whether intended so or not is hard to judge.

The king advising with his junta, the averseness of the house of commons to any compliance with him, and their

sharp debates upon the old score of grievances was rendered to him so desperate, that, May 5, he ordered the dissolution of that parliament.

The counsel given to dissolve this parliament was greatly and generally disliked; and the differences between the king and his people (which were of late too much increased, and were hoped might have been cemented by this parliament) were by the dissolution thereof aggravated; and the Scots troubles, which many sober men expected this parliament would have appeased, were by the breach of it feared to grow wider; and the chief blame and odium of all was by many laid upon archbishop Laud. He was more busy in temporal affairs and matters of state than his predecessors of later times had been. My father, who was anciently and throughly acquainted with him, and knew his disposition, would say, "He was too full of fire, though a just and good man; and that his want of experience in state matters, and his too much zeal for the church, and heat, if he proceeded in the way he was then in, would set this nation on fire."

The parliament dissolved.

Laud blamed.

By his counsel chiefly (as it was fathered upon him) the parliament being dissolved, yet he persuaded the king to continue the sitting of the convocation by a new commission granted to them for the conclusion of such matters as were then in treaty amongst them.

Yet by the opinion of Finch, Manchester, Littleton, Banks, Heath, and Shelton, signified to the king, the convocation, called by the king's writ, was not to dissolve but by the king's writ, notwithstanding the dissolution of the parliament. But it was held best, and to clear all objections, to continue them by this new commission.

Convocation continues sitting.

May 9, a paper was posted up at the Old Exchange, exhorting the prentices to rise, and sack the archbishop's house at Lambeth the Monday following; and on that night about five hundred beset his palace; but the archbishop, having had notice of the paper, provided for his defence, that they could make no entrance, only their tongues ceased not to utter revilings of all bitterness against him.

Tumult of prentices.

A few days after, some of this company were taken, and tried for treason, upon the statute 25 Edw. III, for levying war against the king, because they had a drum which beat up before them. The judges resolved it to be treason; and

one of their captains, a cobbler, was hanged, drawn and quartered for it, and his limbs set on London bridge.

In this case, although there was nothing but the breach of the peace, and of a few glass windows, and setting at liberty some prisoners, and none slain or hurt, yet because so great a number were assembled, and in a warlike manner, with a drum, with unlawful intents, it was adjudged treason, and the party suffered for it.

As the king had his private juntas, so the agents of the covenanters and their friends in London had their private meetings and councils with those who were discontented at the present managing of affairs at court, and who had suffered by the late proceedings; and from hence no small encouragement and promise of assistance was given to the covenanters.

The king caused a guard to be set about Westminster Abbey, that the convocation might sit the more securely; yet were not these seats very easy, they were in danger of the king's displeasure if they rose, and of the people's fury if they sat; to be beaten up by tumults whilst they sat at the work, and to be beaten down by the next parliament for doing of the work.

Episcopacy was dissolved in Scotland, and as much envied by many in England; the presbyters there were equalled with bishops; the same was the tenet of not a few here; and divers tracts were written against them, and in defence of bishops and their divine right.

The assembly in Scotland having formed a covenant for destruction of episcopacy, this convocation, for their own support, frame an oath equivalent, to be imposed on all ministers:

Oath imposed by the convocation.

That they approve the doctrine and discipline of the church of England, as containing all things necessary to salvation. That they will not endeavour to bring in any popish doctrine contrary to it, nor give consent to alter the government of this church by archbishops, bishops, deans, and archdeacons, &c. as it now stands established, and by right ought to stand: nor to subject it to the usurpations and superstitions of Rome. That this they do plainly and sincerely acknowledge and swear, and do it heartily, willingly, and truly.

35 This synod also made a canon for placing the communion-

table at the east end of the church, severed with rails, to preserve it from profanation; and for permitting the practice of bowing to the east, or omission of it, as men were persuaded in their consciences of the lawfulness or unlawfulness of it. Their canons.

They also granted to the king an ample benevolence of the clergy, of four shillings in the pound for six years, towards his intended expedition against the Scots; and so brake up the twenty-ninth of May.

This added more fuel to the flames already burning, and was the subject of great debate and censures which followed.

The king was very active to carry on his expedition northwards; he calls a junta of select councillors, whereof sir Henry Vane was then thought fit to be trusted for one: at one of their meetings he took short notes of the debate, which coming afterwards to his son's hands were made use of against the earl of Strafford, as will appear in the story.

And now the parliament having yielded no supplies to the king's occasions, all the wheels of prerogative are set on motion to provide money for the king's affairs.

Knighthood money is set on foot; all knights and gentlemen who held lands *in capite* of the king are summoned to send men, horses, and arms, agreeable to their tenures and qualities. Knighthood money.

The city of London is invited to a loan, but they stand off, and generally refuse, being discontented at the present proceedings, and particularly displeased because their plantation at Londonderry in Ireland was taken from them (as they held) unjustly, by sentence of the starchamber adjudged to be forfeited, for their usurping more liberty than their patent warranted, and fines were imposed on them and on the undertakers; and though they offered, by way of composition, to build for the king a stately palace in St. James's park, and to pull down Whitehall, and make a stately way by the Thames side, straight from Charing-cross to Westminster-hall, yet it would not be accepted. Londoners discontented.

The main assistance for this war came from the officers and gentry, and a royal army was completed, whereof the earl of Northumberland was made general and the earl of Strafford lieutenant general; but Northumberland falling A royal army.

sick, the king himself took upon him to be generalissimo, as, being in person in the expedition, he ought to be.

Duke of Gloucester born.

July the 20th, the king had another son born, Henry duke of Gloucester.

The king's army was marched before; and about August 20 the king himself went out of London towards the north, and

Scots declared rebels.

two days after, by proclamation, he declares the Scots rebels; that he had sought by clemency to appease their rebellious courses, who upon pretences of religion have sought to shake off his regal government, and now take up arms and invade England. He declares all those who have already entered or shall enter in warlike manner in England, their adherents and assistants, to be rebels and traitors: yet if they shall acknowledge their former crimes, and crave pardon, he tenders it to them.

A prayer was likewise published to be said in all churches for the king, in his expedition against the rebels of Scotland.

But nothing could alter the opinion and humour of divers of the officers and private soldiers of his army, who in their march to their rendezvous spared not to declare their judgments against this war; and that they would not fight to maintain the pride and power of the bishops: and this their resolution seemed not to be feigned, by the ill success afterwards.

Conway.

The lord Conway, commander in chief, then upon the place, to secure some passes, August 27, drew out twelve hundred horse and two thousand foot, placing the foot under a breastwork, to gall the Scots in their pass over the river Tyne near Newcastle.

Lesley.

General Lesley overnight had planted nine pieces of ordnance on his side of the river, and blinded them with bushes. In the morning, he craves leave of the lord Conway to pass with his petition to the king; he was admitted to pass with a considerable number, but not with his army.

But Lesley would not divide his forces, and fords over three hundred horse, whom the English behind the breastwork forced to retire, and Lesley, to relieve them, plays his cannon from the blind upon the English, drove them from their post, and they cast down their arms and fled.

The Scots worsted Wilmot.

Then their horse advanced upon Wilmot, commissary general of the king's horse, who, accompanied with prime gentlemen, stood to the charge of the Scots' horse and

cannon, till galled and overpowered with number, they retired in disorder, three hundred of them being slain and taken prisoners.

Conway was fain to retreat with this ill news to the king, whom he found at North-Allerton.

Sir Jacob Ashley, governor of Newcastle for the king, quitted that town to the Scots, and they became possessed of it, and within two days after of Durham likewise.

Strafford brought up the rear of the army retreating to York, where the king stayed; and the miscarriage of Conway was examined, who being accused of cowardice or treachery used his best art and flourishes to vindicate himself, yet something stuck upon him. Conway accused.

The English garrison at Berwick issued out, and recovered some pieces of cannon which Lesley had left at Dunce, as not useful for his train.

This gave alarm to the earl of Hadington, who with two thousand horse and foot pursued and rescued the cannon, and the next day he and twenty more knights and gentlemen in an instant were all slain by an accident of fire, which blew up the magazine of powder in a vault, and they were killed by the stones which flew from the vault.

The Scots having got on this side the Breeze, in a warmer and more fruitful country than their own, with fires of Newcastle coal, with meat, drink, and lodging of the best, they now petition the king, in the name of the lords of the last parliament, and others his majesty's loyal subjects of Scotland, complaining of their grievances in general, for relief whereof they are constrained to come, without prejudice to the peace of England, till they were with arms opposed in their passage at Newborn; and now present themselves to his majesty's goodness, for satisfaction of their full demands, and repair of their wrongs and losses, with the advice of the parliament of England to be convented. The Scots petition.

The king answers, That he expects their particular demands, having already summoned the peers of England to meet at York, Sept. 24, and commands them to advance no farther. The king's answer.

The Scots three days after sent their particular demands: 36 Demands of the Scots.

1. That the late acts of parliament may be published in his majesty's name, with the states of parliament.

2. That Edinburgh castle and other strengths of Scotland may be fortified, and used for our defence and security.

3. That our countrymen in England and Ireland may not be pressed with oaths and subscriptions, contrary to the national oath and covenant.

4. That the common incendiaries may receive their censure.

5. That our ships and goods and damage may be restored.

6. That the wrongs, losses, and charges which all the time we have sustained may be repaired.

7. That the declarations against us as traitors may be recalled.

8. That by advice of the parliament of England garrisons may be removed from the borders, and all impediments of free trade and peace settled for our religion and liberties.

9. That the meeting of the peers the 24th September will be too long ere the parliament be convened, the only means of settling peace, and enabling us to obey his majesty's commands.

The lords petition.

In this time some of the English lords, well affected to a parliament, and no bitter enemies to the covenanters, had framed a petition, which they sent by some of their number to the king to York; and it was to this effect:

They set forth their zeal to the king and kingdom, moving them to beseech his majesty's leave to offer to his princely wisdom the apprehension they and others of his loyal subjects have of the distempers and dangers to the church and state, and to his person, and the means to prevent them.

The evils they mention are, first,

That his sacred person is exposed to danger in this expedition, and by the war his revenue wasted, his subjects burdened with coat and conduct-money, billeting of soldiers, and other military charges, and divers rapines and disorders by the soldiers, and the kingdom full of fears and discontents.

2. The innovations in matters of religion, the oath and canons lately imposed.

3. The great increase of popery, and employing popish recusants, and others ill affected to religion, in places of power and trust.

4. The mischiefs which may fall, if the intentions which have been credibly reported of bringing in Irish and foreign forces should take effect.

5. The urging of shipmoney, and prosecuting sheriffs for not levying of it.

6. The heavy charge upon merchandise, and the monopolies.

7. The great grief of the subjects by long intermission of parliaments and the late and former dissolutions of them.

For remedy, they humbly beseech his majesty to summon a parliament, whereby the causes of these grievances may be taken away, and the authors and counsellors of them punished. That the present war may be composed without blood, to the honour and safety of the king, the comfort of his people, and the uniting of both realms.

Concluded, August 28, 1640.

Subscribed,

Bedford, Essex,	Hertford, Warwick,
Mulgrave, Say and Seal,	Bullingbrook, Mandevill,
Ed. Howard, E. of Bristol.	Brook, Paget.

The king's answer to this petition was,

The king's answer.

That before the receipt of it, he well foresaw the danger that threatens himself and crown, and therefore resolved to summon all the peers to his presence the twenty-fourth of September, and with them to consult what in this case is fittest to be done for his honour and safety of the kingdom, when the petitioners with the rest might offer any thing conducing to these ends.

Petition of the citizens of London.

This was followed with a petition of the citizens of London, setting forth their grievances and the remedy by calling a parliament; much to the same effect with the petition of the lords.

The Scots at Newcastle seize four great English ships laden with corn, lay a tax of three hundred and fifty pounds a-day on the bishopric of Durham, and three hundred pounds a-day on Northumberland, on pain of plundering; and committed many injuries and insolencies on the English where they quartered.

The council at York.

The great council met at York 24th September, according to summons; and the king spake to them, That he had called them for their advice and assistance in this time of exigency, according to the custom of his predecessors. That he of himself had resolved to call a parliament, to meet 3rd Nov. next; and in the meantime required their advice in those things which could not stay until the meeting of the parliament.

The war being begun with the Scots put many men to think of a posture of defence for themselves, and to a provision of arms.

The Scottish war variously discoursed of.

The discourses of the Scottish war were very various: those who favoured the popish and prelatical ways did sufficiently

inveigh against the covenanters; but generally the rest of the people favoured and approved their proceedings; and there was a strange spirit of division in the opinions and wishes of most men in these affairs, too many not only favouring, but joining with and assisting the proceedings of the Scots covenanters.

Message to the Scots.

After several meetings and debates in the great council at York, a messenger was sent from the king and lords to the Scots army, to give notice to them, that on Tuesday next sixteen of the English lords should meet with as many Scotch lords at York, to treat of the differences. But the Scots re-
37 fuse York to treat in, as not secure for their commissioners, so long as the lieutenant of Ireland commanded there in chief, who had proclaimed them traitors in Ireland before the king had done it in England, threatening to destroy their memory; against whom they had high matters of complaint.

Complaint against Strafford.

This was the first public appearance of the Scots enmity against Strafford; which some affirm was set on from hence; and it was strange that it should not be more regarded.

Treaty at Rippon.

Another place of treaty was named at Rippon, where the commissioners on both sides met. The English proposed a cessation of arms, but the Scots, as they would obey the king's commands not to advance, so they could not return till they had effected their business.

The Scots' demands.

They presented their demands: how their army should be maintained till the treaty ended, and peace secured.

2. For safe convoys for their commissioners.

3. Safe convoys for all letters to and from the parliament.

4. For free trade of both kingdoms, and Newcastle trade not to be hindered.

At length the commissioners on both parts agree

To a cessation of arms.

To a contribution of 850*l.* per diem for the Scots army in Northumberland, Westmoreland, Durham, and Newcastle.

The river Tees to be the bound of both armies.

Private insolencies to be no breach of the treaty; with divers other conditions; and their chief demands were referred to a general treaty to be proceeded in at London.

The treaty variously censured.

Many wondered, and some inveighed against this treaty, wishing the king would have put it rather to the issue of a battle, than to have given such terms to his subjects in

rebellion; and of this judgment was Strafford and the episcopal party. But the other party cried up this treaty as just, honourable, and pious; to prevent effusion of blood, and to settle peace; and the king saw plainly that both divers officers of his army, and even the private soldiers generally, (which was a most remarkable inclination,) had no mind to fight against the Scots; which chiefly caused the king to conclude this treaty.

The resolution of calling a parliament set many on work to canvass for places. The court laboured to bring in their friends; but those who were most favoured at court had least respect in the country, and it was not a little strange to see what a spirit of opposition to the court-proceedings was in the hearts and actions of most of the people, so that very few of that party had the favour to be chosen members of this parliament.

Montross. The earl of Montross, of great alliance in Scotland, came into England to serve the king, but by Hamilton's cunning, as was supposed, the king at his first coming to him neglected him; which caused his resort to and joining with the covenanters: being weary of them, he now writes to the king to York, professing his loyalty and service to his majesty.

This letter, by Hamilton's means, as was reported, was stolen out of the king's pocket, copied, and sent to the covenanters; they made use of it, as shall be mentioned hereafter.

3 Novemb. a day ominous. The third day of November the parliament was to meet; some persuaded the archbishop to get it adjourned for two or three days; because that the third of November was an ominous day; the parliament called on that day 20 H. VIII. beginning with the fall of cardinal Wolsey, and ending in the dissolution of abbeys; but the archbishop took little heed of such things.

The time of the parliament's meeting drawing near, it was considered at York whether the earl of Strafford should repair to the house, or continue in the north with the army.

Strafford persuaded to go to the parliament. The king was earnest for his going up to the parliament, as one of whose service he should have great occasion, and placed much confidence in his faithfulness and abilities.

The earl humbly desired his majesty to excuse his going to the parliament, alleging that he should not be able to do

his majesty any service there, but should rather be a means to hinder his affairs; in regard he foresaw that the great envy and ill-will of the parliament and of the Scots would be bent against him.

Whereas if he kept out of sight he would not be so much in their mind as he should be by shewing himself in parliament; and if they should fall upon him, he being at a distance, whatsoever they should conclude against him he might the better avoid, and retire from any danger, having the liberty of being out of their hands, and to go over to Ireland, or to some other place, where he might be most serviceable to his majesty; but if he should put himself into their power by coming up to the parliament, it was evident that the house of commons, and the Scots with all their party, especially being provoked by his coming amongst them, would presently fall upon him, and prosecute his destruction.

The king, notwithstanding these reasons, continued very earnest for Strafford's coming up to the parliament; for which he laid his commands upon him; and told him, that as he was king of England he was able to secure him from any danger, and that the parliament should not touch one hair of his head.

The earl thanked his majesty, but replied, that if there should fall out a difference between his majesty and his parliament concerning him, that it would be a great disturbance to his majesty's affairs; and that he had rather suffer himself than that the king's affairs should in any measure suffer by reason of his particular.

The king remained unalterable in his resolution concerning Strafford's coming up to the parliament, saying, that he could not want his advice in the great transactions which were like to be in this parliament; and in obedience to his commands the earl came up to London.

Upon a contested election for the borough of Great Marlow, in the county of Bucks; upon my petition, and the petition of divers of the burgesses and inhabitants of the said borough; at the committee the case of Winchelsea 21 Jac. was cited, wherein the house of commons resolved, that notice of the election ought to be given, and for want thereof that the election should be void for all.

And the case of Strafford 21 Jac. that Mr. Dyett having

gotten into his hands the sheriff's precept, brought it to the mayor, and procured the election to be presently made by sending for some of the burgesses; the election was resolved to be void for all, and a new election ordered for both burgesses.

The committee were of the same opinion in this case of Marlow, and passed a vote for a new election of both the burgesses for that borough.

The house agreed with the committee, upon the issuing out of a new writ; Mr. Hoby and I were chosen, and took our places in parliament.

The king in his speech to both houses had told them, that he was resolved to put himself freely upon the love and affections of his English subjects. He told them the wants of his own army, the calamities of the northern countries, where both armies lay, and freely leaves it to them where to begin; promiseth redress of grievances; and desires that all suspicion of one another may be laid aside. 38 Speech to the parliament.

Some exception being taken that in his speech he called the Scots rebels, he after explains and justifies in his speech to the lords.

The first week was spent in naming general committees, and establishing them, and receiving a great many petitions, both from particular persons, and some from multitudes, and brought by troops of horsemen from several counties, craving redress of grievances; and of exorbitances, both in church and state. Petitions.

Many were enlarged out of prison to make their complaints, Prynne, Burton, Bastwick, and others.

Many smart speeches were made in the house of commons touching grievances, which Mr. Pym divided into three heads: Pym, of grievances.

I. Against privilege of parliament.

II. Prejudice of religion.

III. Liberty of the subject.

Under the first head were reckoned,

1. Restraining the members of parliament from speaking.

2. Forbidding the speaker to put a question.

3. Imprisoning divers members for matters done in parliament.

4. By proceedings against them therefore, in inferior courts.

5. Enjoining their good behaviour, and continuance in prison even unto death.

6. Abrupt dissolutions of parliaments.

Under the second head of religion were mentioned,

1. The suspension of laws against them of the popish religion; laws and oaths will not restrain them; the pope dispenseth with all.

2. Their places of trust and honour in the commonwealth.

3. Their free resort to London and to the court to communicate their counsels and designs.

4. As they have a college in Rome for the pope's authority in England, so they have a nuncio here to execute it.

Under innovations of religion were brought in,

1. Maintenance of popish tenets, in books, sermons, and disputes.

2. Practice of popish ceremonies countenanced and enjoined, as altars, images, crucifixes, bowings.

3. Discouragement of protestants by rigid prosecution of the scrupulous, for things indifferent, no vice made so great as inconformity.

4. Encroachment of ecclesiastical jurisdiction:

1. In fining and imprisoning without law.

2. Challenging their jurisdiction to be appropriate to their order *jure divino*.

3. Contriving and publishing new orders of visitation in force, as of canons, the boldness of bishops, and all their subordinate officers and officials.

Under the third head, the grievances,

1. By tunnage and poundage unduly taken.

2. Composition for knighthood.

3. The unparalleled grievance of shipmoney.

4. Enlargement of the forests beyond the due bounds.

5. Selling of nuisances, by compounding for them.

6. The commission for building.

7. The commission for depopulations.

8. Unlawful military charges, by warrant of the king, letters of the council, and orders of the lieutenants of the counties and their deputies.

9. Extrajudicial declarations of judges, without hearing counsel or arguments.

10. Monopolies countenanced by the council table, and justices of the peace required to assist them.

11. The starchamber court.

12. The king's edicts, and proclamations lately used for maintaining monopolies.

13. The ambitious and corrupt clergy preaching divine authority and absolute power in kings to do what they will.

14. The intermission of parliaments.

Lord Digby.

The lord Digby mentioned the late benevolence and the new canon oath, which he called *a covenant against the king for bishops, and the Scots covenant is against the king and bishops.*

Many other speeches were made by several members, all of them to the same effect, touching grievances.

The king made the lord Cottington constable of the Tower of London, and placed there a garrison of 400 men, to keep the city from tumults. But the house of commons and others without, much unsatisfied thereat, the king took off the garrison and commission of constable, and left the command of it to a lieutenant, as before.

Proclamations against papists.

Upon the extraordinary confluence of popish recusants to London, the king sent a message to the parliament that by proclamation they should be removed to their places of abode, and disarmed.

The house of commons ordered that all projectors and unlawful monopolists be disabled to sit in the house, and many members thereupon withdrew themselves, and new elections were made in their rooms.

Earl of Warwick.

Complaint was made to the lords' house of breach of their privilege, by search of the pockets, cabinets, and studies of the earl of Warwick and the lord Brooke, upon the dissolving of the last parliament. Sir William Beecher, one of the clerks of the council, who did it upon command of the secretaries of state, was committed to the Fleet.

Impeachment against Strafford.

The house of commons sent up a message to the lords by Mr. Pym, the impeachment of the earl of Strafford of high treason; upon which the earl was committed to the black rod, and sir George Ratcliffe, his confederate, was sent for out of Ireland by a sergeant at arms.

The two armies lay a heavy burden on the counties where they quartered, to ease which the parliament borrowed 100,000*l.* of the city of London.

Upon suit of the lords to the king, the bishop of Lincoln was released out of the Tower.

The earl of Strafford moved that he might be bailed by divers lords, who offered to be sureties for him, which was denied; but a council and a solicitor were assigned to him.

Habeas corpus.

In the house there fell out a debate touching the writs of habeas corpus, upon which Selden and the rest of his fellow-prisoners demanded to be bailed, and the judges of the king's bench did not bail them as by law they ought, but required of them sureties for their good behaviours.

This was so far aggravated by some, that they moved the prisoners might have reparation out of the estates of those judges who then sat in the king's bench when they were remanded to prison, which judges they named to be Hyde,
39 Jones, and my father; as for judge Crooke, who was one of that court, they excused him, as differing in opinion from the rest.

I, being a member of the house, and son to the judge, knew this to be mistaken as to the fact, and spake in the behalf of my father to this effect: That it was not unknown to divers worthy members of the house, that judge Whitelocke had been a faithful, able, and stout assertor of the rights and liberties of the freeborn subjects of this kingdom, for which he had been many ways a sufferer. And particularly by a strait and close imprisonment, for what he said and did as a member of this honourable house, in a former parliament. And he appeals to those noble gentlemen who cannot but remember those passages, and some who were then sufferers with him. And for his opinion and carriage in the case of habeas corpus, it is affirmed to have been the same with that of judge Crooke, and he appeals for this to the honourable gentlemen who were concerned in it, and others who were present then in court.

Judges Crooke and Whitelocke cleared.

Hampden and divers others seconded this motion, who affirmed very much of the matter of fact, and expressed themselves with great respect and honour to the memory of the deceased judge, who was thereupon reckoned by the house in the same degree with judge Crooke as to their censure and proceedings.

One Mr. Heyward, an active justice of peace in Westminster, had drawn up a catalogue of the recusants there for the committee of religion, which occasioned one James, a papist, to stab Heyward in Westminster-hall, but not to death, and James was privately punished.

Prynne and Burton were conducted into London from their several prisons by many hundreds of horse and foot, in great pomp, and defiance of justice, and they petitioned the house of commons for damages against their prosecutors. Prynne and Burton.

Sir Francis Windebank, secretary of state, and a great intimate of archbishop Laud, having been questioned for reprieving Jesuits and priests, and suspected of worse matters, to prevent any farther trial he escaped into France, where he remained to his death (as is reported) a professed papist. Windebank.

The house of commons voted,

1. That the charge of shipmoney was against the law, the subjects' right and property, and contrary to former resolutions in parliament, and to the petition of right. Votes.

2. That the extrajudicial opinion of the judges was against the law, &c. *ut prius.*

3. That the shipwrits were against the law.

4. That the judgment in Mr. Hampden's case about shipmoney was against law, &c.

The house of lords passed the same votes, and the next day a committee was appointed, to draw up a charge of treason against such as had been abettors therein, the lord keeper Finch, and the rest of the judges.

The house of commons having engaged to present to the lords particular articles of their charge of high treason against the earl of Strafford, they now were moved to appoint a select committee to prepare and draw up those articles, and to manage the evidence against the earl at his trial, and that this committee should be under an engagement of secrecy, in regard of the nature and greatness of the business. Committee against Strafford.

Of this committee were named Pym, Hampden, Hollis, lord Digby, Stroud, and sir Walter Earle, Selden, St. John, Maynard, Palmer, Glynne, and myself.

I was chosen chairman of the committee, the papers were all delivered to my custody and trust, and an engagement of secrecy was made solemnly, in the nature of a voluntary oath, by every one of the committee, and they did sit almost every

day to prepare the articles of the charge against the earl of Strafford.

Alderman Pennington.

11 Decemb., Alderman Pennington, with some hundreds following him, presented the citizens' petition, subscribed by 15,000, against the discipline and ceremonies of the church.

The house of commons 15 December, resolved,

Votes.

That the clergy in a synod or convocation hath no power to make laws, canons, or constitutions, to bind either laity or clergy, without the parliament. And that the canons made by the late convocation are against the fundamental laws of this realm, the king's prerogative, propriety of the subject, the rights of parliament, and do tend to faction and sedition.

They also voted that a bill should be brought in to fine those of the clergy who sat in the late convocation, and were actors in making those canons.

The like proceedings were to be had against the judges, for their opinions and judgment in the case of shipmoney.

Laud impeached.

Mr. Hollis is sent up to the lords with an impeachment of high treason against archbishop Laud, and the Scots joined him with the earl of Strafford as incendiaries in the national differences.

Upon reading of both charges the archbishop was committed to the black rod.

The Scots commissioners conclude their accusation against him, That if the pope had been in his place, he could not have been more zealous against the reformed churches, to reduce them to the heresies, doctrines, superstitions, idolatries of Rome, &c.

They likewise exhibited a charge against the earl of Strafford's confident, sir George Ratcliffe; and having secured the great statesman Strafford, and the great churchman Laud, the commons prepare to impeach the chief officer of law, the lord keeper Finch, of high treason.

Lord keeper Finch.

He having notice thereof desired leave of the house to be admitted to speak for himself before them, which was granted, and a chair set for him near to the bar. He came into the house carrying the purse himself; and when the speaker told him that his lordship might sit, he made a low obeisance, and laying down the seal, and his hat in the chair, himself leaning on the backside of it, made a very elegant and ingenious speech in his own vindication, *et captare benevolentiam*,

and delivered with an excellent grace and gesture as well as words.

His beginning was thus:

Mr. Speaker, His speech.

I give you thanks for granting me admittance to your presence. I come not to preserve myself and fortunes, but to preserve your good opinion of me; for I profess I had rather beg my bread from door to door, with *date obolum Bellisario*, with your favour, than be never so high and honoured, with your displeasure.

His conclusion was,

If I may not live to serve you, I desire I may die in your good opinion and favour.

Many were exceedingly taken with his eloquence and carriage; and it was a sad sight to see a person of his greatness, parts, and favour, to appear in such a posture before such an assembly, to plead for his life and fortunes.

Upon these following particulars he was the same day voted a traitor,

1. For refusing to read the remonstrance against the lord treasurer Weston, 4 Car. when the parliament desired it. Articles against Finch.

2. For soliciting, persuading, and threatening the judges to deliver their opinions for the levying of shipmoney.

3. For several illegal actions in forest matters.

4. For ill offices done in making the king to dissolve the last parliament, and causing his declaration thereupon to be put forth.

The next day he was accused before the lords, but he got up earlier, gave them the slip, and escaped into Holland.

The house of commons upon debate of the inconveniences by the intermission of parliaments, they appointed a committee to bring in a bill for a triennial parliament.

This committee met often, and was much frequented by all the grandees of the house then in most repute: after divers and great debates and consultations, they agreed upon the frame of a bill, as the same is extant: the king taking notice thereof, and of the many petitions from several counties, subscribed with multitudes of hands, and presented by great numbers of people, and all the petitions mentioning the late exorbitances, and concluding for frequent parliaments, and against the hierarchy of the bishops. Petitions.

The king being informed thereof, and mistrusting the in- King's speech.

clination of the parliament, speaks to both houses of their slow proceedings, and the inconveniences thereby, in maintaining two armies in the kingdom at excessive charges, and of the weakness of his navy and forts.

He takes notice of the strange petitions from counties against the established government of the church: tells them, he makes a difference between reformation and alteration of government; that he is for the first, but not for the latter.

He will not say but that the bishops may have overstretched their power, and encroached upon the temporal: if they will reform the abuse, he is with them; he will consent to take away some temporal authority, if they have any inconvenient to the state, and not necessary to the support of episcopacy.

But he cannot consent to the taking away their voice in parliament, which they have so anciently enjoyed, even before the conquest and since; and which he conceives he is bound to maintain, as one of the fundamental institutions of this kingdom.

He wishes them to eschew another rock, upon the bill for frequent parliaments, which he likes well; but to give power to sheriffs, constables, and he knows not whom, to do his office, that he cannot yield unto.

The king had reprieved one Goodman, a priest, who was condemned at the Old Bailey; the commons desire the lords' concurrence; and both houses remonstrate to the king the danger thereof in these times, and the increase of popery and boldness of papists, in resorting to mass in London: the king leaveth him to the parliament.

Demands of the Scots yielded to.

The treaty with the Scots commissioners proceeded at London, and their demands were in effect all yielded unto. Upon their seventh demand, from the justice and kindness of the kingdom of reparation for their losses and charges, a long debate was in the house of commons about framing the words of the question, and the stating of it.

The question stated, was to give them three hundred thousand pounds as a brotherly assistance towards their charges and losses.

The house commanded Mr. Speaker to write to the city of London, to advance sixty thousand pounds upon security out of the next subsidies; which was done accordingly; and several other sums were advanced by them upon security of the house

for supply of the king's army, and providing for the northern counties.

The Dutch ambassador here made an overture of a marriage between William the young prince of Orange and the king's eldest daughter, the princess Mary, to which the king was well inclined; but as his condition then stood, he thought fit to acquaint the parliament with it, which he did in a speech to the house of lords, and that he thought the alliance with the prince and the United Provinces would be of much advantage to this kingdom, and shewed his reasons for it.

The proposition was generally affected and embraced by all the people, and without fears or jealousies upon our liberties or religion, and was soon concluded.

The house of commons sent up a message to the lords, to acquaint them that the commons were informed of a great design of the papists, an army of fifteen thousand in Lancashire and eight thousand in Ireland, well armed and in pay, raised by the earls of Strafford and of Worcester: this gave occasion for many other petitions, but nothing was made out of the rumour thereof.

February 13, 1640, sir Robert Berkley, one of the judges of the king's bench, who gave his opinion for shipmoney, was impeached by the commons of high treason in the lords' house, and by their command, Maxwell the usher of the black rod came to the king's bench when the judges were sitting, took judge Berkley from off the bench, and carried him away to prison, which struck a great terror in the rest of his brethren then sitting in Westminster-hall, and in all his profession. Judge Berkl

This judge was a very learned man in our laws, and a good orator and judge, moderate in his ways, except his desires of the court-favour: he redeemed himself afterwards by supplying the parliament's occasions with ten thousand pounds, and ended his days in a private retirement; yet not without considerable gains by his chamber-practice, and left a plentiful fortune to his family.

The committee for the bill of the triennial parliament had taken a great deal of pains in the framing of it, and it being past both houses, the king was not without some difficulty (as it was reported) persuaded to give the royal assent to it, which he did in his speech to both houses, setting forth his Triennial parliament. The king's speech.

confidence thereby in them, and in their future proceedings, and the favour he now did to his subjects.

The king then also passed the bill of subsidies, and both houses, by the lord keeper Littleton, returned their humble thanks to his majesty, and by their order were bonfires and bell-ringing, signs of joy thoughout the city.

Mr. Pym was sent from the house of commons to the lords, with the charge of high treason against the archbishop Laud, who was thereupon committed to the Tower.

Articles of particulars against episcopal government were presented to the house of commons annexed to some petitions; and being read in the house, were referred to a committee.

41 The lord Digby spake smartly against them and for episcopacy, but not many others were very eager for them.

Votes. The commons, the tenth of March, voted,

That no bishop shall have any vote in parliament, nor any judicial power in the starchamber, nor bear any authority in temporal matters; and that no clergyman shall be in commission of the peace.

Foreign affairs. The king of Spain was brought low by the defection of Catalonia, Portugal, and part of the Indies, the loss of Arras, and his ill successes in Italy, besides the approach of the Swedish war to the back of the Danube; but this year was very fortunate to the French.

The Spaniard's ill success was attributed to the ill management of affairs by the conde de Olivarez, his favourite, hated by the people, as is usual. And the good successes of the French were attributed to the prudence of their cardinal Richlieu.

He invites the duke of Lorrain to Paris, where he was highly caressed; but apprehending their designs, he comes to the discontented princes of France, who had raised an army at Sedan: and from thence, from the count of Soissons, the duke of Guise, and the rest, a manifesto is published of their taking arms for the peace of Europe, and expulsion of him who fomented the public wars.

They make alliance with the emperor and cardinal infanta; and joining forces with general Lamboy, they come to battle, where the count de Soissons was slain, and their forces over-

thrown: and Richlieu gets more advantage thereby against the house of Austria.

The close committee for managing the business against the earl of Strafford sat very constantly, and took great pains in framing the articles against him, and preparing of witnesses for proof of them; for some of which witnesses there were messengers sent into Ireland to bring them hither. Strafford.

All the papers, proofs, and examinations in this business were committed to my care and charge, being chairman to the committee.

The committee had often resort to the house of commons for their direction upon any point of difficulty, and they were appointed by the house to be the managers of the evidence against the earl; and accordingly they divided the work among themselves.

January 30, Mr. Pym presented to the lords the particular articles of the charge against the earl of Strafford, being twenty-eight.

The earl was immediately sent for to the lords' house, where he heard the articles read; and they being two hundred sheets of paper, and some of the treasons being of fourteen years' standing, he desired three months' time to make his answer, which must also of necessity be very long, and being unto matters of so high concernment, especially to his own life and fortunes.

This time was opposed by the house of commons; and at length the lords ordered his answer to be brought in by the 24th of February next; which was done, though to the great labour of his lordship and of sir Richard Lane, and others of his counsel: and on that day it was read in the audience of the king, and in the house of commons the next day after.

Some disputes arose between the two houses touching the trial. Disputes touching the trial.

1. Whether counsel should be allowed for the earl? Which the commons opposed, as not allowable in case of high treason; which the lords said, was true as to pleading of matter of fact, but not in matters of law: which was at length yielded to.

2. Concerning the place of trial, the lords desired it might be in their house; which the commons opposed, because they intended to manage their accusation by members of their

own house, in the presence of the whole house, for which the lords' house would be too little: whereupon Westminster-hall was agreed upon.

3. The commons intended to come in the body of their whole house; which the lords not assenting to, they at last yielded to come as a committee of the whole house.

Under-takers.

But there was a proposal (the subject of much discourse) to prevent all this trouble, and to restore the earl of Strafford to his former favour and honour, if the king would prefer some of the grandees to offices at court, whereby Strafford's enemies should become his friends, and the king's desires be promoted.

It was, that should be made lord treasurer, the lord Say master of the wards, Mr. Pym chancellor of the exchequer, Mr. Hollis secretary of state, Mr. Hampden tutor to the prince, others to have other places.

In order whereunto the bishop of London resigned up his treasurer's staff, the lord Cottington his place of master of the wards, and the rest were easily to be voided. But whether upon the king's alteration of his mind, or by what other means it came to pass, is uncertain, these things were not effected; and the great men baffled thereby became the more incensed and violent against the earl, joining with the Scots commissioners, who were implacable against him.

Trial of Strafford.

The time and place of the earl's trial was appointed, Westminster-hall prepared for it; and never was there or anywhere else seen a more solemn and majestic tribunal.

In the middle of the theatre below, on forms covered with red cloth, sat the lords in their parliament robes, their faces upwards; at the head of them, with his face towards them, sat in a chair the earl of Arundel, for that occasion made lord high steward of England; and at that trial the speaker of the peers, the earl of Lindsey, was made lord high constable of England for that time, and had the ordering of the place.

Scaffolds were erected on either side of the hall, and at the lower end; on those scaffolds sat the members of the house of commons, uncovered, as a committee of the whole house, and many hundreds more of gentlemen who could get places with them.

Beyond the peers, towards the upper end, was placed a

chair and cloth of state for the king, raised on a foot-pace; on either side whereof was a close gallery for the king, queen, and prince to be private.

At the lower end of the state, on a scaffold, did usually sit ladies of quality; on the right hand, at the lower end, even with the lords, was a place with partitions for the committee of parliament, and a door backwards out of it to a place for a withdrawing room for them to retire to and consult as there was offered occasion.

On the other side of the place for the committee, and adjoining to it, was a place made for the earl of Strafford, with a seat and room for the lieutenant of the Tower to be next to him; and places for the earl's secretaries, and for his counsel to be near him.

The bishops were excluded by the canons of the church to be assistant in cases of blood or death; and therefore they absented themselves from this trial.

Monday, 22 March, 1640, was the first day of the earl's 42
appearing on this theatre; the king, queen, and prince, and divers foreign lords, and many ladies with them, attending there; the lords in their robes on their seats, and the scaffolds full of the members of the house of commons and many others mixed with them.

The earl was brought to the bar by the lieutenant of the Tower; his habit black, wearing his George in a gold chain; his countenance manly black, his person proper, but a little stooping with his distemper, or habit of his body; his behaviour exceeding graceful, and his speech full of weight, reason, and pleasingness.

The lord high steward declared to him that he was called thither to answer to the impeachment of high treason, preferred against him by the commons of England and Ireland. Then his accusation was read, and next his answer to it; in which most part of that day being spent, the court arose.

The next day Mr. Pym made an introduction, very rhetorical and smart, to the articles; and the first seven of them were managed, as to the evidence, by Mr. Glynne; and the proof was, to his subverting the fundamental laws of England and Ireland.

Then a sealed paper was produced; which, being opened and read, appeared to be sent from the parliament of Ireland,

declaring that the commons there had voted the earl guilty of high treason.

At this the earl being much transported, said, there was a conspiracy against him to take away his life.

The committee of the house of commons took hold of those words, and required justice from the lords against the earl, who, standing impeached of high treason, accused the parliaments of two kingdoms of a conspiracy against him.

Hereupon the earl, falling upon his knees, humbly craved pardon for the inconsiderateness of the expression, protesting seriously that he did not thereby intend either parliament, but some particular persons: and so that matter was passed over.

Then the committee offered to the lords three new articles to be annexed to the charge, and desired that the earl might presently give his answer to them: to which the earl replied, that the process being closed, he hoped he should not be ordered to answer any adventitious and unexpected charge without more convenient time assigned. But the lords finding the articles to be of no great importance, he was urged to a present answer; which he then made to them.

March the 24th, the committee proceeded upon the articles of the charge: and after Glynne had ended his part, Maynard proceeded upon the following articles: and after him Mr. Palmer managed the ensuing articles, as to the aggravation of them, and enforcing the evidence upon them; and his part extended to the seven last articles, upon the which I was appointed to manage the evidence.

Anno 1641. 17 Car. These articles, on my part, were matters of a very high nature; and some of them, particularly the twenty-fourth article, relating to the design of bringing over the army in Ireland into Scotland and so to England, to reduce this kingdom.

I having spoken with sir Henry Vane the elder, and with the other witnesses, to the twenty-fourth article, and finding that their testimony would not make good the matter of that article, thought it not honourable for the house of commons to proceed upon an article whereof they could not make a clear proof; and thereupon proposed it to the committee to omit that article in his proceedings.

The committee were of the same opinion, but upon sir

Walter Earl's undertaking to manage it, they left that article to him: and when I had enforced the evidence upon the twenty-third article, I sat down; and sir Walter Earl, with much gravity and confidence, began to aggravate the matters in the twenty-fourth article, and the dangerous consequence and high crime in it, and called forth the witnesses to prove the particulars which he had at large opened.

Some of the witnesses were not in England; those of them who came in, being sworn, spake little to the purpose, and did not prove the matter at all of that article: upon which the knight was very blank, and out of countenance. But the earl of Strafford, who lost no advantage of his defence, rising up from his seat, made a low obeisance (as he was used to do) to the lords, and spake to this effect:

My Lords,

I am a poor gentleman, a prisoner at the bar, against whom several persons learned in the laws and of great ability for pleading and strength of reason, and other noble persons of great parts and eloquence, have enforced the particular matters of my charge, and I had well hoped they had been drawing towards an end: but now, my lords, unexpectedly a new and great pleader sets upon me, tired out before; and this noble knight hath laid a heavy burden indeed upon my shoulders, he hath opened more heinous crimes against me than all those gentlemen who have gone before.

The learned gentleman who urged the matters of the last articles against me, when he came to this twenty-fourth article, sat down, and seemed to decline it, and yet he left nothing material which was not urged home by him.

But this noble knight goes beyond all, and indeed beyond the article itself, observing things not contained in it, and impossible to be: and could he have proved this, it had been truly a miracle. But I humbly beg your lordships' pardon, I am not willing to spend any of your time impertinently; I shall only say this, that where nothing is proved against me, I know your lordships' great wisdom and justice will expect no defence from me.

After the earl was sat down, the lord Digby stood up, and in a very witty rhetorical speech took off sir Walter Earl; desired their lordships to pass by a mistake; that this article was not intended for prosecution, as might appear by the gentleman's declining of it who managed the former.

He moved, that this twenty-fourth article might be omit-

ted, and their lordships not to receive any further trouble in the urging of it, or defence to it; and that they would be pleased to look upon what that noble knight had said but as a superfœtation.

After the lord Digby had spoken, I presently rose up, and (after the lords had done smiling) I proceeded with the twenty-fifth article. The queen, who was present at the trial, inquired who that knight was whom the lord Digby relieved; and being told his name was sir Walter Earl, she said, that water-dog did bark, but not bite; but the rest did bite close.

The earl of Strafford, speaking of the committee who managed the evidence against him, and particularly of the
43 lawyers, said to a private friend, that Glynne and Maynard used him like advocates, but Palmer and Whitelocke used him like gentlemen, and yet left out nothing material to be urged against him.

When the committee had gone through all the articles, they moved, that if the earl had any thing to say further in his defence, that he might do it: the earl obtained with difficulty time till the next morning.

The next day (both houses being met) the lieutenant of the Tower acquainted them that the earl had been extreme ill the last night of a violent fit of the stone, and was not able to come abroad this day, and humbly desired their lordships' excuse.

This caused them to adjourn to the next morning, and in the afternoon some of the lords were sent from the house to see in what condition the earl was, who found him somewhat recovered, and he hoped so as he might attend them the next day.

Then the houses met again, April the 10th, and the commons desired liberty to produce an additional piece of evidence to the twenty-third article; the earl craved the same liberty for himself, concerning some testimonies not yet exhibited on his behalf; this the committee opposed, but the lords thought it equal, and after a warm debate upon it the commons rose in some discontent, not so much as appointing a day for their next meeting.

Sir Henry Vane.

April 12. In the house of commons Mr. Pym produced a paper of some notes taken by secretary Vane of some opinions delivered at the council-table of junta, May 5, 1640,

being the day that the last parliament was dissolved; the discovery whereof was thus:

Secretary Vane being out of town sent a letter to his son sir Henry Vane the younger, then in London, with the key of his study, for his son to look in his cabinet for some papers there, to send to his father.

The son looking over many papers, among them lighted upon these notes, which being of so great concernment to the public, and declaring so much against the earl of Strafford, he held himself bound in duty and conscience to discover them.

He shewed them to Mr. Pym, who urged him, and prevailed with him, that they might be made use of in the evidence against the earl of Strafford, as being most material and of great consequence in relation to that business.

Accordingly they were now produced to the house of commons, and in the afternoon at a conference with the lords, and the next day, the earl being brought to Westminster, and both houses being met, the notes were openly read; the title of them was, "No danger of a war with Scotland, if offensive, not defensive."

Then followed the opinions interlocutory:

K. C. How can we undertake offensive war, if we have no more money?

L. L. Ir. Borrow of the city 100,000*l.* go on vigorously to levy shipmoney; your majesty having tried the affection of your people, you are absolved and loose from all rule of government, and to do what power will admit.

Your majesty having tried all ways, and being refused, shall be acquitted before God and man. And you have an army in Ireland that you may employ to reduce this kingdom to obedience; for I am confident the Scots cannot hold out five months.

L. Arch. You have tried all ways, and have always been denied, it is now lawful to take it by force.

L. Cot. Leagues abroad there may be made for the defence of the kingdom: the lower house are weary of the king and church: all ways shall be just to raise money by, in this inevitable necessity, and are to be used, being lawful.

L. Arch. For an offensive, not any defensive war.

L. L. Ir. The town is full of lords, put the commission of array on foot, and if any of them stir, we will make them smart.

To this the earl answered, That it were hard measure for opinions and discourses by privy councillors, in a debate of council, to be prosecuted under the notion of treason.

As to the words, *that the king had an army in Ireland to reduce this kingdom*, they are only proved by the single testimony of one man, secretary Vane, which is not of validity enough in law in a matter of debt, much less in point of life and death.

2. That the secretary's deposition was exceeding dubious upon two examinations; he could not remember any such words the third time; his testimony was not positive, but that I spake those words, or the like; and words may be very like in sound, yet differ much in sense.

3. There were present at the debate but eight privy councillors; two of them (the archbishop and secretary Windebank) cannot be produced: secretary Vane affirms the words, I deny them: four remain for evidence, marquis Hamilton, the earl of Northumberland, the lord treasurer, and the lord Cottington: all these have declared upon their honours that they never heard me speak those words, nor any the like.

4. Suppose I spake the words, (which I grant not,) yet cannot the word *this* rationally imply England, as is yielded on all hands; because England was not out of the way of obedience, (as the earl of Clare well observed,) and because there never was any the least intention of landing the Irish army in England, as the lords of the council are able to attest.

This paper, of so great consequence, was missing at the committee, and by the earl's answer supposed that he had seen it, and that it was conveyed to him by some of the committee: and I being in the chair, and having the charge and custody of all the papers, I was suspected more than others to have acted this piece of treachery.

Great inquiry and search was made for the paper, but it could not then be found: I told them when it was missing, and that amongst such a multitude of papers as I had in my custody, it was not easy to see that I had them all again, when they were brought forth, or any of them called for.

That I never shewed this paper to any but to the committee, and knew not who had it, or what was become of it; nor did I convey it, or know of any that had conveyed it away. But this would not serve: the house was acquainted with the missing of the paper, and they ordered that every

one of the committee should make a solemn protestation in the house that they did not convey it away, nor know what was become of it.

All of us made this protestation, and the lord Digby with more earnestness and deeper imprecations than any of the rest; yet afterwards, at the battle of Naseby, the king's 44
cabinet being taken, among the papers in it was a copy of these notes, under the lord Digby's hand, whereby I was cleared, and the conveyer of the paper to the king, and from him to the earl of Strafford, was fully discovered.

The earl having delivered his answer to the additional proof, the lord steward told him, that if he had any thing to say further in his defence he should proceed, because the court intended to prepare matters for their speedy judgment.

Whereupon he made a summary repetition of the several parts of his former defence, and concluded thus:

It is hard to be questioned upon a law which cannot be shewn where hath this fire lain hid so many hundreds of years without smoke to discover it, till it thus burst forth to consume me and my children.

That punishment should precede promulgation of a law, to be punished by a law subsequent to the fact, is extreme hard: what man can be safe, if this be admitted?

My lords, it is hard in another respect, that there should be no token set, by which we should know this offence, no admonition by which we should avoid it. If a man pass the Thames in a boat, and split himself upon an anchor, and no buoy be floating to discover it, he who owneth the anchor shall make satisfaction: but if a buoy be set there, every man passeth upon his own peril. Now where is the mark, where the token upon this crime, to declare it to be high treason?

My lords, be pleased to give that regard to the peerage of England as never to expose yourselves to such moot points, such constructive interpretations of laws: if there must be a trial of wits, let the subject-matter be of somewhat else than the lives and honours of peers.

It will be wisdom for yourselves, for your posterity, and for the whole kingdom, to cast into the fire these bloody and mysterious volumes of constructive and arbitrary treason, as the primitive Christians did their books of curious arts, and betake yourselves to the plain letter of the law and statute, that telleth us what is and

what is not treason, without being more ambitious to be more learned in the art of killing than our forefathers.

It is now full two hundred and forty years since any man was touched for this alleged crime, to this height, before myself: let us not awaken these sleeping lions to our destructions, by taking up a few musty records, that have lain by the walls so many ages forgotten or neglected.

May your lordships please not to add this to my other misfortunes; let not a precedent be derived from me so disadvantageous as this will be in the consequence to the whole kingdom. Do not through me wound the interest of the commonwealth; and however these gentlemen say they speak for the commonwealth, yet in this particular I indeed speak for it, and shew the inconveniences and mischiefs that will fall upon it.

For as it is said in the statute 1 H. IV, no man will know what to do or say for fear of such penalties.

Do not put, my lords, such difficulties upon ministers of state, that men of wisdom, of honour, and of fortune, may not with cheerfulness and safety be employed for the public; if you weigh and measure them by grains and scruples, the public affairs of the kingdom will lie waste, no man will meddle with them who hath any thing to lose.

My lords, I have troubled you longer than I should have done, were it not for the interest of these dear pledges a saint in heaven hath left me.

At this word, he stopped a while, letting fall some tears at her memory; then he went on:

What I forfeit myself is nothing, but that my indiscretion should extend to my posterity woundeth me to the very soul.

You will pardon my infirmity, something I should have added, but am not able, therefore let it pass.

And now, my lords, for myself, I have been, by the blessing of Almighty God, taught, *that the afflictions of this present life are not to be compared to the eternal weight of glory which shall be revealed hereafter.*

And so, my lords, even so, with all tranquillity of mind, I freely submit myself to your judgment, and whether that judgment be of life or death, *Te Deum laudamus.*

Certainly never any man acted such a part on such a theatre with more wisdom, constancy, and eloquence, with greater reason, judgment, and temper, and with a better grace in all his words and gestures, than this great and excellent

person did; and he moved the hearts of all his auditors (some few excepted) to remorse and pity.

After he had done, Pym and Glynne endeavoured to aggravate his offences, and so both houses rose.

The commons thought fit to justify their charge by law to be treason. To which effect Mr. St. John, one of the committee, made an elaborate and learned argument.

It was insisted upon, amongst many other things, that in the statute 25 E. III the index of treason is a salvo; that because all particular treasons could not be then defined, therefore what the parliament should declare to be treason in time to come should be punished as treason.

Counsel for Strafford.

April 17. The point in law was argued for the earl by Mr. Lane, the prince's attorney: Mr. Loe, Mr. Gardiner, and Mr. Lightfoot were also present of his counsel.

Mr. Lane argued upon the statute 25 E. III, that it was a declarative law, not to be extended by equity, consequence, or construction, but by the express letter only; and being a penal law, admitted no inferences; penalties being to enforce obedience to known laws, not to doubtful or conjectural.

As to the salvo, he said, that 6 H. VIII. 4. a petition was preferred by the lords to have all treasons limited by statute, and in that parliament, chap. 20, an act was made, whereby that salvo in 25 E. III was repealed, and nothing to be treason but what was literally comprehended in the statute 25 E. III.

Bill of attainder.

After this, a bill was brought into the house of commons to attaint the earl of high treason; upon debate whereof, they voted him guilty of high treason: and 19 April, upon the engrossment of the bill, it endured a sharp debate.

The lord Digby and divers others appearing eminently for the earl against the bill; but upon division of the house the bill was passed; yet there were fifty-nine dissenters. This was 21 April, and the same afternoon it was sent up to the lords.

April 24. The lords were put in mind to appoint a day for the reading of the bill of attainder; and 29 April Mr. St. John, by command of the house of commons, in the presence of the lord Strafford, offered to the lords reasons and authorities to satisfy them, and to justify the bill by law.

Commons' petition.

The house of commons in the meantime petitioned the king,

1. For removing papists from court.

2. For disarming of them generally.

3. For disbanding the Irish army.

To which the king gave answer,

The king's answer.

1. That all knew the legal trust the crown had in that particular: that he would use it so as not to give just cause of scandal.

2. He was content it should be done by law.

3. Upon consultation, he found many difficulties therein; and so wished the disbanding of all armies: as he did conjure them speedily and heartily to join with him in disbanding those two here, Scots and English.

May 1. The king called both houses of parliament together, and did passionately desire of them not to proceed severely against the earl, whom he answered for, as to most of the main particulars of the charge against him; tells them, that in conscience he cannot condemn the earl of high treason, and that neither fear nor any other respect should make him go against his conscience.

But for misdemeanors, he is so clear in them, that he thinks the earl not fit hereafter to serve him or the commonwealth in any place of trust, no not so much as a constable.

May 2. The marriage was solemnized at court between the young prince of Orange and the princess Mary the king's daughter.

This day, being Sunday, from some pulpits it was preached to the people the necessity of justice upon some great delinquents now to be acted. And the next morning, May 3,

Tumult.

a rabble of about six thousand out of the city came thronging down to Westminster, with swords, cudgels, and staves, crying out for justice against the earl of Strafford, pretending decay of trade and want of bread.

They applied themselves to the earl of Montgomery, who gave them good words, and endeavoured to pacify them, which is the best way in popular tumults; and yet this multitude were very rude with some of the lords; and they posted up at Westminster the names of all those members

of the house of commons who had voted for the earl, and called them *Straffordians*.

This being informed to the house by some who were named in that list as a high breach of the privilege of parliament, yet being the act of a multitude, no redress was endeavoured. These tumults were accompanied with an information of some practice in the north to distract the English army, and to debauch them against the parliament. Practices upon the army.

These passages occasioned a debate in the house of commons about a national protestation to maintain the protestant religion against popery, the king's person, the power of parliament, and the rights and liberties of the subject. Protestation.

May 5. This protestation was taken by the commons' house, the next day by the lords'; and ordered to be generally taken by all the people of England.

The house of commons then took in debate the raising of moneys, to satisfy those great accounts of the two armies with which the kingdom was so highly burdened; wherein a Lancashire knight offered to procure his majesty 650,000*l.* till the subsidies should be raised, if he would pass a bill not to prorogue, adjourn, or dissolve this parliament without consent of both houses, to endure till the grievances were redressed, and to give the parliament credit to take up moneys. Bill for continuing the parliament.

This was well liked by many parliament-men, who upon the passing of such a bill would sit the surer and the longer in their saddles; and they were so hot upon it, that the same afternoon they made a committee to bring in such a bill the next morning, and I was named to draw the bill.

Of forty-five lords, twenty-six voted the earl guilty of high treason, upon the fifteenth article, for levying money in Ireland by force in a warlike manner; and upon the nineteenth article, for imposing an oath upon the subjects in Ireland. Strafford voted guilty.

The bill for continuance of the parliament was brought into the house the next morning after it was propounded, and the same day it was perfected, and passed the house of commons.

This bill, and the act of attainder, being both passed by the commons, a conference was had with the lords after they

had passed them; and a message sent by some lords to the king, to entreat his answer, who promised to satisfy them within two days.

The king being much perplexed upon the tendering of these two bills to him, between the clamours of a discontented people and an unsatisfied conscience; he took advice (as some reported) of several of the bishops, and of others his intimate councillors, what to do in this intricate affair; and that the major part of them urged to him the opinions of the judges, that this was treason, and the bill legal.

They pressed likewise the votes of the parliament, that he was but one man, that no other expedient could be found out to appease the enraged people, and that the consequences of a furious multitude would be very terrible.

Upon all which they persuaded him to pass the bills.

Letter from Strafford to the king.

But the chief motive was said to be a letter of the earl of Strafford, then sent unto him, wherein the gallant earl takes notice of these things, and what is best for his majesty in these straits, and to set his conscience at liberty: he doth most humbly beseech him for prevention of such mischief as may happen by his refusal to pass the bill, to remove him out of the way, "towards that blessed agreement which God, I trust, shall for ever establish betwixt you and your subjects. Sir, my consent herein shall more acquit you to God, than all the world can do besides: to a willing man there is no injury done."

If not base betraying of their master by these passages, and by some private dealings, the king was persuaded to sign a commission to three lords to pass these two bills; and that he should ever be brought to it was admired by most of his subjects, as well as by foreigners: himself ingeniously acknowledgeth the grounds of doing this, and his error therein, in his excellent *Eikon Basil.* chap. v.

46 After he had signed these bills, the king sent secretary Carleton to the earl, to acquaint him with what was done, and the motives of it, especially the earl's consent, who seriously asked the secretary, whether his majesty had passed the bill or not; as not believing without some astonishment that the king would have done it.

And being again assured that it was passed, he rose up from

his chair, lift up his eyes to heaven, laid his hand on his heart, and said, *Put not your trust in princes, nor in the sons of men, for in them there is no salvation.*

Great censures (as in all great businesses) were passed upon the king's passing of both these bills, that the one was against his most faithful servant, and the other against himself. Censures.

Certainly he had great remorse thereupon; and the next day, May 11, he sent a letter by the prince to the lords, written all with his own hand, that they would confer with the house of commons to spare the life of the earl, and that it would be a high contentment to him.

Some did not stick to say that this was promised to him before he signed the bill of attainder, and to bring him to it. But now the lords' house did not think fit to consent to his majesty's desire therein.

May 12. The earl was brought to the scaffold on Tower-hill; as he passed by, he looked up to the window where the archbishop lay, who spake to him with comfort and courage.

He made on the scaffold a most ingenious, charitable, and pious speech and prayers; gave some directions touching his children; and died with charity, courage, and general lamentation.

Thus fell this noble earl, who for natural parts and abilities, and for improvement of knowledge by experience in the greatest affairs, for wisdom, faithfulness, and gallantry of mind, hath left few behind him that may be ranked equal with him.

The design for the earl's escape out of the Tower was related to be discovered by three women, who peeping and hearkening to the discourse of the earl with captain Billingsley, they at the keyhole of the earl's gallery-door heard them confer about the falling down of the ship to take in the earl: and Billingsley brought a warrant from the king, with two hundred men to be received into the Tower, for the safety of it; but sir William Balfour, the lieutenant, refused to admit them, suspecting that they came to further the earl's escape. Balfour.

Balfour confessed that two thousand pounds were offered him to consent to the earl's escape; and the earl himself did not deny a design, which, he said, was only for his re-

move to some other castle: but Balfour was true to the interest of his countrymen, the covenanters, and their friends in parliament.

Great officers resign their places.

Divers great officers of state resigned up their places, either accounting themselves insecure, or to satisfy others.

May 17. The lord Cottington gave up his place of master of the wards, which the lord Say had conferred on him.

Bishop Juxon resigned his office of treasurer, and five commissioners were appointed to execute it for the time.

The earl of Leicester was made lieutenant of Ireland.

Marquis Hertford governor to the prince, and the earl of Essex was made lord chamberlain of the king's house.

The field officers and commanders of the English army were at London, and some of them members of both houses, the army was left to the care of sir Jacob Ashley: and the dislikes between the king and parliament, with the supply of the Scots army and neglect of the English, caused discontent in the English officers, and private meetings and consultations, which were discovered; and the design, not brought to a head, was crushed.

Discontents in the army.

June 19. It was voted that the Scots should receive 100,000*l.* of the 300,000*l.* The Scots by a paper pretended necessity of 25,000*l.* in present. The parliament took off 10,000*l.* of 50,000*l.* which they had appointed for the English army, and order it for the Scots.

The lord Piercy, commissary Wilmot, and Ashburnham, (members of the parliament,) sitting together and murmuring at it. Wilmot stepped up, and said, that if such papers of the Scots could procure moneys, he doubted not but the officers of the English would soon do the like. And this caused the English army to say that the parliament had disobliged them.

Officers' petition.

The officers put themselves into a junta of sworn secrecy; drew up some heads by way of petition to the king and parliament, for money for the army,

Not to disband before the Scots.

To preserve bishops' votes and functions.

To settle the king's revenue.

The army, tainted from hence, met, and drew up a letter or petition, which was shewed to the king, and approved and signed by him with *C. R.*, and a direction to captain Leg,

that none should see it but sir Jacob Ashley: the main drift was, that the army might be called up to attend the safety of the king's person and parliament's security, or that both armies might be disbanded.

Mr. Thomas, a member of the house of commons, made a sharp and historical speech against bishops, and concluded it with his opinion for the unlawfulness of their sitting in parliament any longer. Mr. White did second him, and divers others declared the like opinion against bishops.

The commons had debate about a new form of ecclesiastical jurisdiction; and, July 17, agreed that every shire should be a several diocese, a presbytery of twelve divines in each shire, and a president as a bishop over them; and he, with assistance of some of the presbytery, to ordain, suspend, deprive, degrade, and excommunicate. Church government.

To have a diocesan synod once a year, and every third year a national synod, and they to make canons, but none to be binding till confirmed by parliament.

The primate of Armagh offered an expedient for conjunction in point of discipline, that episcopal and presbyterial government might not be at a far distance, but reducing episcopacy to the form of synodical government in the ancient church. Armagh.

June 22. The commons presented to the king an act for granting of tunnage and poundage to him, which he before took as his due; but by passing this act, accepted as a gift from his people. Tunnage & poundage granted.

The house also presented to the king the act of poll money, for defraying the charge of the armies, and with it an act for putting down the high commission court, and another act to put down the starchamber. High commission court. Starchamber.

July 2. He passed the poll money, but demurred upon the other two acts; but being informed of the discontent of the house of commons, because he had not passed the other two bills, he came again, July 6, and passed the other two bills likewise. 47

The queen mother went out of England into the Low Countries, and shortly after died. Queen mother dies.

The king acquainted the parliament with his purpose to send sir Thomas Row ambassador to the emperor, to be present at the diet at Ratisbone, and there to mediate on the

behalf of the prince elector; and his intent to publish a manifesto in his own name about this business, to which the parliament assented.

Dr. Wren. July 5th, the house of commons had a report from their committee of a charge against Dr. Wren, bishop of Ely; and he was voted unworthy and unfit to hold or exercise any office or dignity in church or commonwealth; and a message sent to the lords, to desire their concurrence in a petition to the king, that he might be removed from his place and service: and he was committed to the Tower, and by few pitied.

Another charge was brought in against five judges, Brampston, Trevor, Weston, Davenport, and Crawley, who gave Shipmoney judges. their opinions for shipmoney; and against judge Berkley, for high treason; but he came off by redemption, as is before remembered.

The house of commons made an order (and sir Robert Harlow the executioner of it) to take away all scandalous pictures, crosses, and figures, within churches and without: and the zealous knight took down the cross in Cheapside, Charing-cross, and other the like monuments impartially.

The king had given notice of his purpose to go into Scotland, and had set the day to begin his journey, August 10, to which both houses had agreed; yet now the commons desire him to put off his journey for a fortnight, the affairs of state and the passing of some bills requiring it: but to please them, the king the same day passed the bill for taking away knighthood-money, and another for making of gunpowder and saltpetre, and signed a commission to divers great lords for passing of bills in his absence.

Essex. He also signed a bill for making the earl of Essex general of his forces on this side Trent, with power to raise forces in case of necessity; but he refused to make the earl of Pembroke lord high steward.

Judge Crooke obtained his writ of ease upon his own petition to the king; but the profits of his place were continued to him.

After some debate in parliament, whether the English or Scottish army should be first disbanded, it was at last agreed Armies disbanded. that both of them should be disbanded together: which was done accordingly, August 6; and the Scots, with store of

English money and spoils, and the best entertainment, left their warm and plentiful quarters.

August 8, being the Lord's day, yet the house of commons thought fit to sit for the despatch of some important affairs before the king went out of town towards Scotland, which was appointed the Tuesday after; but they printed an order of excuse for their sitting on that day, and that it should not be drawn in precedent.

After this, the parliament adjourned to the 20th of October; and a committee of fifty of the house of commons was appointed to sit during the recess, with ample powers. Parliament adjourned.

Hitherto the calm was not quite blown over, but now hideous storms began to arise, and threaten the long enjoyed mercies of peace and happiness in this nation: discontents at government, distractions of opinion in matters of religion, the whole kingdom seemed to be moulded into a spirit of division and contradiction.

Insolencies and disorders, unpunished or connived at, mightily increased; the Scots' successes animated other subjects to their illegal pretences and impious actions; and in this time of the king's absence in Scotland the Irish flames of rebellion brake forth, having been thus kindled: Irish rebellion.

The last year the parliament at Dublin sent a committee hither, with a remonstrance to the king of their grievances and pressures under the government of the earl of Strafford, whom they had accused of high treason. The king gave them most favourable answers and redresses, and parted with much of his own to give contentment to his Irish subjects.

Mr. Wainsford, deputy there to the earl of Strafford, lieutenant, being dead, the king by commission constituted the lord Ditton and sir William Parsons in the government there; but finding Ditton not well liked, he made sir William Parsons and sir John Borlace (generally approved) to be the lords justices there.

These applied themselves to give all satisfaction to the people: they abated the subsidies, given in Strafford's time, from 40,000*l.* to 12,000*l.*; passed an act of limitation, much desired, to settle all estates for sixty years precedent; and another for relinquishing the king's right, found for him by inquisition, to four counties in Connaght, and other territories.

Earl of Leicester.

He declared the earl of Leicester lord lieutenant of Ireland; and the papists there were permitted a private enjoyment of their religion, and a general good agreement was had between the English and Irish.

In this security, the Irish army was disbanded. After which, and in the king's absence in Scotland, about October 23, there brake forth so horrid, black, and flagitious a rebellion in Ireland, as cannot be paralleled in the stories of any other nation.

Irish maxims.

This was fomented and contrived by their popish priests and lawyers. Some of their maxims in law were, That any one being slain in rebellion, though found by record, gave the king no forfeiture: That though many thousands were in arms, and exercising the violences of war, yet if they professed not to rise against the king it was no rebellion: That if one were outlawed for treason, his heir might reverse the outlawry and be restored.

These and the like tenets they published in their parliaments; and endeavoured a suspension of Poyning's act, and the act for annexing that kingdom to the crown of England; and assumed a power of judicature in criminal and capital causes to be in their parliament.

They took advantage of the Scots' successes, of their favourers in England, and our distractions here, of the disbanding the army there, and the death of the earl of Strafford: they raise forces, give out that the queen was in the head of them, and the king was coming with an army to them, and the Scots had made a league with them; that they were authorized by the king's commission, and asserted his cause against the puritans of England.

To their countrymen they scatter advertisements out of England of a statute there lately made, That all Irish shall come to the protestant worship, on pain of loss of goods for the first offence, of lands for the second, and of life for the third offence.

They give them hope to recover their liberties and ancient
48 customs, to shake off the English yoke, to have a king of their own nation, and to possess goods and estates of the English.

Motives.

These motives they published in print: That the king and queen were curbed by the puritans, and their prerogatives

abolished, which these (as loyal subjects) take to heart; and that the catholic religion is suppressed in England, and the catholics there persecuted with all rigour, even to death, and that the puritans in Ireland have threatened to do the same there.

That in Ireland the catholics are made uncapable of any office, to the decay of them in their estates, education, and learning: that the government of their country is in the hand of strangers, who come thither poor and mean, yet soon rise to wealth and honour by oppressing the natives.

That there have been threatenings to send forces to compel the consciences of the Irish, and to cut their throats; and that the catholics are not allowed to have any arms or ammunition, but the protestants and puritans may. Upon all which they saw no way but to attempt to seize upon arms where they could get them, to save their lives, maintain the king and queen, their religion and country.

Upon these pretences and manifest untruths they ground their taking up of arms.

The first suspicion whereof was by sir William Cole, who, about Octob. 11, wrote to the lords justices, of great resort to sir Phelim Oneale and to the lord Macquierre, and they were exceeding busy about despatches.

About October 21 he wrote another letter to them, of what some Irish had revealed to him of a design to seize the castle of Dublin, to murder the lords justices and council, and all the protestants there and throughout the kingdom. But this letter came not to their hands.

When many of the conspirators were come to Dublin, and met there at a tavern, one Owen O Conelly, an Irishman, but a true protestant, came to sir William Parsons about nine o'clock at night, with a broken relation of a great conspiracy to seize the castle the next morning, and that Mac Mahon, who was one of them, had told him so much. Owen O Conelly.

Parsons, seeing Conelly distempered with drink, gave the less credit to his relation, but wished him to return to Mac Mahon, to get out of him what he could farther of the plot, and to return to him again that night. Yet he did not so slight the information, but that secretly he ordered strong guards in several places, and assembled the council where they expected the return of Conelly; who, coming to them,

was seized on by the guards; who had carried him to prison, and so prevented the discovery of the plot, had not a servant of sir William Parsons accidentally come by and rescued Conelly, and brought him, somewhat recovered of his drinking, unto the lords justices and council: who confessed, that a few days before, upon letters from Mac Mahon, he went to meet him at Connaght, but he being gone to Dublin, Conelly followed him thither; and they two went to the lodging of the lord Macquierre; that by the way, Mac Mahon told Conelly that this night there would be a great number of Irish noblemen papists in Dublin, who with himself would take the castle by morning, then force the city by the ordnance, and destroy all the protestants; and so divers others were ordered, in all parts of the kingdom, to seize and destroy all the English at an hour designed, viz. to-morrow by ten o'clock, and that no posting nor speed could prevent it.

That Conelly moved Mac Mahon to discover it rather to the state, to prevent the mischief. But he answered, he could not help it; yet that they owned their allegiance to the king, and pay it to him: but what they did was against the tyrannical government over them, and to imitate Scotland, who got their privilege by that course.

Mac Mahon.

And Mac Mahon swore that they would not part, but go together to the castle; and if this matter were discovered, somebody should die for it.

Whereupon Conelly feigned some necessity of easement to go out of the chamber; left his sword in pawn, and Mac Mahon's man came down with him into the yard; where, in a trice, he leaped over a wall and two pales, and so came to the lord justice Parsons.

Examined Octob. 22, 1641.

Owen O Conelly.

Presently upon this, the justices sent and seized Mac Mahon and his man; and they, before the council, confessed all the plot: That on that very day all the forts and castles in Ireland would be surprised: that he, and Mac Guire, and Hugh Bim, Brian Oneale, and others, twenty out of each county, were to surprise Dublin castle.

That all the nobility and gentry papists were confederates herein; and however they used him, now in their power, his blood would be revenged.

Then Mac Guire and others were suddenly seized on; and the town filling with strangers, the council removed into the castle. Upon the rumour hereof, Bim and Moore, and others, chief of the conspirators, escaped, and divers others, who found friends to help them; but about forty of the meaner sort of them were taken.

The next day the lords justices proclaimed this discovery, and that all good subjects should betake themselves to their defence, and to advertise them of all occurrences; and that no levies of men be made for foreign service. The same night the lord Blaney arrived with the news of the surprisal of his house, his wife, and children by the rebels.

This execrable rebellion began in Ulster, and every day and hour ill news came of fearful massacres upon the English, which increased a fear of the like at Dublin by the papists there.

The council seized upon what money they could, some artillery, arms for 10,000 men, 1500 barrels of powder, and match, and lead, stored by the earl of Strafford. The old army was but 2297 foot and 943 horse, and these dispersed; yet the council sent to several garrisons to march to Dublin.

They despatched letters to the king in Scotland and to the lord lieutenant in London, of the rebellion, and the state of the kingdom, and the small number of their forces: they pray supplies, and that Conelly, the discoverer and messenger, may be rewarded. All their despatches were sent by sea, the rebels having stopped the land passages.

The lords of the English pale repair to the council, offer 49
their faith and service, and the rebels in Ulster, by the latter end of October, had possessed themselves of almost all that province. Such English as had gotten into any places of strength able to endure a siege, yet upon good terms rendering themselves, were sure to be murdered in cold blood; men, women, and children.

And for the Scots, they professed they would (and did indeed) spare them; that they might the more easily swallow them up afterwards.

Phelim O'Neale, a man but of mean parts or courage, was O'Neale.
their general; he was of near alliance to the late earl of Tirone, bred in England a student in Lincoln's Inn, and, till

of late, a protestant; lived lazily, till now elected by his countrymen to be their leader.

He, with a numerous rabble, marched to Lisnagamy near the Scots, and fell upon them without mercy: with other forces he came up into the pale, took in Dondalke, then marched to Ardee, seven miles from Tredah.

The news from Dublin was posted to Tredah, and there encountered with news of the treacherous surprisal of divers castles in the north.

The lord Moore brought some horse to the town, whither he came to escape the rebels.

The town drew out some old pieces, scoured and planted them, and four out of a merchant's ship with some powder, and captain Gibson commanded there, sir Faithful Fortescue leaving his charge. Some forces sallied out upon the rebels, and got from them (who hastily fled away) some plunder, and cows, and eighty prisoners, whereof six only were hanged.

Many treacherous designs of the town papists failed; sir Henry Tichburne came to be governor with 100 horse and 1000 foot, not without some jealousy of the protestants.

There was dropped in the streets a declaration of the catholics of Ireland, framed upon presumption that the design had been effected, and to the like purpose as is before remembered.

The first letters of the business from the lords justices and council arrived at London the last of October, and were delivered that evening.

Next morning, the lords' house sent them down to the house of commons by the lord keeper, lord privy seal, and fourteen other lords, who had chairs in the house, and sat while the letters were read, and then departed.

The house presently resolved into a committee, and ordered

Votes. That 50,000*l.* be forthwith provided.

The lords to be moved that members of both houses should move the city of London to lend this money.

That a committee of both houses consider of the affairs of Ireland.

O'Conelly to have 5000*l.* presently, and 200*l.* per annum in land.

All papists of quality in England to be secured.

None but merchants to pass without certificate to Ireland.

To all which the lords agreed.

They voted many other particulars in order to supplies for Ireland, and a pardon to be offered.

The lords justices and council in Ireland neglected no means in their power by fortifying Dublin, and other castles and places, and making provisions for defence against the rebels; they also granted out commissions to divers noblemen and gentlemen, and some of them papists, (whom they in prudence thought not fit yet to suspect,) though they afterwards joined in the rebellion with the rest.

They also delivered arms to many of them, who employed them to cut the throats of the English: such were the lord Gormanstone and others: and by the midst of November several counties declared for the Irish papists and rebels in Leimster and other provinces; the miserable English protestants, men, women, and children, whom they took, were most savagely butchered by the papists with such cruelty and tortures, not sparing any age or sex, and with such scoffs and blasphemies at their sufferings, torments, and death, that they were hardly outdone by the most barbarous heathen persecutors of the primitive Christians, or by Bonner and his fellows; and those who fled from them came to Dublin for succour, where, wanting relief, they perished, so that the public burying places would not contain their dead bodies.

The lord Ormond and several others came with some forces to Dublin. The members of the Irish parliament were discontented that it had been adjourned for so long a time as next February. To please them, they were called together for one day, to make their protestation against the rebellion. There was but a thin meeting of them, and but a faint protestation against the rebels, the popish members not enduring to have it called *a rebellion,* but *traitorous and rebellious actions* of some persons; against which they protested.

They sent commissioners to treat with the rebels in the north, who tore the order of parliament, and returned a scornful answer.

The lord Ditton and the lord Taff, coming for London, were committed, and their papers seized, and they afterwards were great with the king.

I received letters from my uncle, judge Crooke, wherein he

thanked me for the intelligence I gave him concerning parliament business, and desired the continuance of it, and especially to know what proceedings were against the judges or bishops, and desired me to use my best manner amongst the lords and commons, that they might have as easy a censure as might be, for admonition as shall be conceived fittest, they having received already a long disgrace and disprofit, especially for my lord chief justice Bramston and my brother Weston; for my brother Weston, I conceive, erred more in judgment than in will; and my lord chief justice, I persuade myself, having an honest heart, but too much policy, seeking to please king and people, wherein he pleased neither; for he expressly seemed to be of my opinion after I had argued, and well allowed of it.

My brother-in-law, sir Thomas Mostyn, died at his house at Kilken in Flintshire.

Upon receipt of the news of the rebellion in Ireland the king was much troubled, and being at that distance from his parliament in England, he sent expresses to them, and referred the whole management of the Irish business to his parliament at London.

November 20. The lords justices and council in Ireland sent a more particular account to the lord lieutenant here of the Irish affairs: he returned answer, That he had acquainted the king at Edinburgh with all their despatches; and that his majesty had referred the Irish business and management of the war there to his parliament of England.

Some talked broadly of the earl of Leicester's retarding so long his service of lieutenant of Ireland, especially in such a time as then.

He was now pleased to commissionate the earl of Ormond to be his deputy, which was afterwards confirmed by the king; but many wondered that the earl did not go in his own person.

Some members of the parliament in Ireland, and most of the papists even in the pale, and generally in all places, took part with the rebels: the lord Moore stood faithful to his king and religion.

The rebels, to be revenged on him, sent about a thousand men to his house, three miles from Tredah; the forces in the house were but twenty-four foot and fifteen horse, besides

some few servants, and they had but six shots of powder apiece; yet when the rebels assaulted them, they killed 140 of them.

All their powder being spent, and then some of their small number slain, they yielded upon quarter; yet the rebels threw them out at the windows, an old gentleman they ran through the body, cut the throat of an old blind man, stripped all the women, plundered the house of all the goods, and so left it.

From Dublin they sent six hundred foot to supply Tredah; two thousand of the rebels waited for them to intercept them; and the English in a fog came within musket-shot of them before they were descried; then the captain commanded a countermarch, in which the English were forced to take a ditch, which the enemies thinking to be a flight, they shouted, and that so amazed and confounded the English, that the rebels charging them slew most of them near Gillingston-Bridge.

The lord Ormond's troop of fifty horse made their way through without loss of a man; but by this defeat the rebels got store of arms and moneys, and much encouragement.

The master of a Chester bark, laden with arms and money for Dublin, betrayed all to the rebels, who now were set down before Tredah, and all the popish lords and gentlemen within the pale joined with them.

The king's return from Scotland.

About the latter end of November the king returned from Scotland; he was sumptuously feasted at London by the citizens, and he banqueted them at Hampton Court, and made divers of the aldermen knights.

Speech in parliament.

Decemb. 2. He came to both houses of parliament, and told them, he had made as much haste from Scotland as those affairs permitted, in which he had so good success, that he had left that nation a most peaceable and contented people. That he doth not find this nation so settled as he expected, but full of jealousies and alarms of designs and plots; that guards have been set to defend both houses. That he doubts not of his subjects' affections to him by his reception at his return; and mentions his own affection to his people; and so far from repenting of what he had done for them, that he was willing to pass any thing more that might justly be desired for their liberties, and for mainte-

nance of religion: recommends to them the business of Ireland, the preparations for it going on but slowly.

Proclamation. Then he sets forth a proclamation for obedience to the laws concerning religion, and that none introduce any rite or ceremony other than those established by law.

At this time, this was not held by many to be very seasonable, and divers were offended at it. He also published a proclamation for all the members of parliament, to repair to

Speech. the houses by a day. And Decemb. 14 he again spake to both houses, to quicken them in the business of Ireland, expresseth his detestation of all rebellion, particularly of this; and offers his pains, power, and industry, to contribute to that necessary work of reducing the Irish to obedience.

That for the bill for pressing of soldiers, lodged with the lords, if it came to him, he promiseth to pass it: and because some had started the question into a dispute concerning the bounds of the king's prerogative herein, he offers to avoid such debate, that the bill shall pass with a *salvo jure* both for king and people: and concludes, conjuring them, by all that is or can be dear to them or him, to hasten with speed the business of Ireland.

Parliament petition. Upon this the parliament petition the king touching the privilege of parliament their birthright, declaring with all duty that the king ought not to take notice of any matter in agitation and debate in either house but by their information; nor ought to propound any condition or provision or limitation to any bill or act in debate or preparation, or to manifest or declare his consent or dissent, approbation or dislike, before it be presented in course; nor ought to be displeased with any debate of parliament, they being judges of their own errors and offences in debating matters depending.

That these privileges have been broken of late in the speech of his majesty, Decemb. 14, particularly mentioning the bill of impress; offering also a provisional clause by a *salvo jure* before it was presented: and withal they take notice of his majesty's displeasure against such as moved a question concerning the same.

They desire to know the names of such persons as seduced his majesty to that item, that they may be punished as his great council shall advise his majesty.

Divers indifferent men wondered both at the king's speech, which gave the cause of exception, and was indeed notoriously against the course and privilege of parliament, that his council should not inform him thereof: and they also apprehended this petition somewhat too rough in the expressions of it to their king; but the general fate of things drove on this way, to increase the jealousies betwixt king and people; and God was pleased so to order it, to bring to pass what he had determined.

The parliament resolve not to proceed in their affairs till they had a satisfactory answer to their petition, and some of them were jealous of too much favour to the Irish rebellion by some about the king, and divers went yet higher.

The king with some regret withdraws to Hampton Court, hoping by his absence to avoid exceptions; but this increaseth discontent in the parliament, who the next day appoint a committee to follow him thither; and now they speak plainly, that the whole frame of government is out of order.

Among other grievances, complaint was made by several persons of the great prejudice and wrong to the subject, by the illegal proceedings of the courtmarshal, and the supercilious, magisterial, and illegal exercise of earl marshal by the earl of Arundel. Mr. Hyde, Mr. Palmer, Mr. Maynard, myself and others, had conference about it, and resolved to put it on in the house of commons; Mr. Hyde spake to it smartly and ingeniously. Grievances of the court-marshal.

He called those proceedings a piece of pageantry, shewed the illegality of them, and the vexation to the subject by attendance and expense, many times for a hasty word, whereof the law of England takes no notice, nor gives any action for them: yet in this court people are summoned and wait and are roughly treated. And he moved the house to declare their sense of these proceedings. He was seconded in this motion; and the house voted the court and their proceedings to be illegal, and a grievance: and Mr. Hyde gained credit by it. Hyde. 51

The marquises Hamilton and Argyle withdrew from the parliament in Scotland upon jealousy of some design against their persons; but upon examination of that matter by the parliament there, it was found to be a misinformation: yet the same took fire in our parliament upon the like surmises

of some; whereupon the parliament here appointed guards for London and Westminster, and some spake not without reflection upon the king himself.

Remonstrance. The house of commons prepared a remonstrance of the state of the kingdom, wherein they mentioned all the mistakes, misfortunes, illegalities, and defaults in government since the king's coming to the crown, the evil counsels and counsellors, and a malignant party, that they have no hopes of settling the distractions of this kingdom, for want of a concurrence with the lords.

This remonstrance was somewhat roughly penned, both for the matter and expressions in it, and met with great oppositions in the house; insomuch as the debate of it lasted from three o'clock in the afternoon till ten o'clock the next morning; and the sitting up all night caused many through weakness or weariness to leave the house, and sir B. R. to compare it to *the verdict of a starved jury*.

Protestation. When the vote was carried, though not by many, to pass the remonstrance, Mr. Palmer and two or three more made their protestation against this remonstrance.

At which, those who were for the remonstrance spake sharply against this protestation, as a thing directly against the order and privilege of the house of commons, and tending to the frustrating of all their proceedings: and it was strongly moved and seconded, and carried upon the question, Palmer. that Mr. Palmer and those who had made their protestation against the vote for the remonstrance might be sent to the Tower, which was done the next day.

But after a few days, and some expenses extraordinary, upon his petition he was released, and took his place again in the house as formerly.

This remonstrance was presently printed and published by the parliament, contrary to the king's desire, and before his answer made to it, which came forth shortly after to all the heads of the remonstrance; and a little after that, the king caused to be printed and published his declaration in answer to the remonstrance of the parliament.

During this time, and taking opportunity from these differences betwixt the king and parliament, divers of the city Tumults. of the meaner sort came in great numbers and tumults to Whitehall, where with many unseemly and insolent words

and actions they incensed the king, and went from thence in like posture to Westminster, behaving themselves with extreme rudeness towards some of the members of both houses.

This caused the king to send to the lord mayor to call a common-council to receive his majesty's pleasure, which was sent to them, touching the late riotous assemblies about his palaces of Whitehall and Westminster, and to command their care to prevent the like, especially in the ensuing holydays, and calls them *the unruly people of the suburbs*, but is assured of the affections of the citizens, and wishes them to take care not to be disturbed by fears and jealousies.

During these distractions in England, the affairs of Ireland lay miserably bleeding; the differences between the king and parliament encourage the papists in Ireland to proceed to the execution of their horrid design to massacre and extirpate all the protestants in that kingdom; the lords of the pale refused to come into the council upon their summons, but, joining with the other rebels, form an army of twenty thousand, besides brigades in several provinces.

The Scots propounded to send into Ireland ten thousand of their countrymen upon some conditions, but nothing was effected in it.

Tredah was besieged by the rebels by sea and land; they style themselves *the catholic army;* three thousand of them were defeated by a party sallying out of the town.

The prisoners taken by the English were well used and pampered by the popish women in the town; the English whom the rebels took were crowded into dungeons, fed with garbages and offals, without salt or fire, and almost starved, seldom any of them recovered.

The rebels sent a friar their ambassador into the town, to demand no less than the absolute surrender of it for his majesty's use and service, which being with scorn denied by the governor, the friar gave him a copy of the oath which he said the catholics had taken, to maintain with their lives and fortunes the exercise of the Roman catholic religion, to be faithful to the king, and to bring to punishment all such as should do any thing contrary to this oath. Irish oath.

The governor hereupon framed an oath to be taken by the soldiers and townsmen, to defend the town, to discover any plot, and not to consent to deliver up the town: which oath

the mayor and aldermen of the town and others refused to take.

The soldiers from the town made several sallies upon the rebels, and slew and took many of them; but their victuals grew scarce, nothing but herrings and water, without any bread; the cows killed, firing and horse-meat all spent, sickness, famine, and death raged.

Some relief it pleased God to send to the town by sea; and then the rebels, by treachery of the townsmen, had a design (which they attempted) to surprise the town; but by the care and courage of Tichborn the governor, and those with him, it was prevented.

Irish cruelties.

The rebels storming the town were repulsed; they in other places executed horrid tortures upon the English; they murdered the lord Cautfield basely, hanged one Blaney, tortured a woman to force her to hear mass, drowned many hundreds, men, women, and innocent children in the rivers; some they sent to sea in a rotten vessel without any sails or rudder, to be cast away, and great numbers of the English, after they had done all drudgeries for the rebels in hopes of mercy, had all their throats cut by them; and with some of them the execrable villains and monsters would make themselves pastime and sport before their death, trying who could hack deepest into the Englishmen's flesh; and so with the highest torture and cruelty mangled them to death.

But their inhumanities to both sexes and all ages are more than can be numbered or expressed. Some of the English
52 sallying out upon the rebels saw in their way thirty English men and women murdered in ditches, which so enraged them, that they fell upon the rebels with incredible fierceness, slew 300 of them, and brought back good booties and prisoners to the town.

Many such attempts caused the rebels to raise the siege of Tredah, and in their marching off they cut the throats of all the Englishmen, women and children: they were closely pursued by the lord Moor and others, and in divers encounters with them, when two, three, and four hundred of them were slain, yet no one Englishman was killed.

Upon letters of all these passages, and debate in the house of commons what was fit to be further done, in order to the suppression of this rebellion, the house thought fit to refer

the whole matter to the Irish committee, to prepare some proposals to be made to the house, for the effectual relief of Ireland: but while these things were in agitation there fell out another interruption to the unhappy affairs of Ireland.

The papists in Ireland held it no small policy, and accordingly practised it, to put the protestants upon the destruction of one another, whereby the interest and power of the papists to persecute the protestants might be advanced; for which end they stirred up tumults in England, and then incensed the king against those tumults. The papists were the more nettled by the remonstrance of the commons of the state of the kingdom, in which they complain of the connivance and favour shewed to the papists.

The king being informed that some members of parliament had private meetings, and a correspondence with the Scots, and countenanced the late tumults from the city, he gave a warrant to repair to their lodgings, and to seal up the trunks, studies, and chambers of the lord Kimbolton, Mr. Pym, Mr. Hampden, Mr. Hollis, sir Arthur Haslerigge, and Mr. Stroud; which was done; but their persons were not met with. The house of commons having notice hereof whilst it was in doing, Jan. 3, 1641, they passed this vote:

Vote.

That if any person whatsoever shall come to the lodgings of any member of this house, and offer to seal the trunks, doors, or papers of any of them, or seize upon their persons, such members shall require the aid of the constable, to keep such persons in safe custody till this house do give further order.

And that if any person whatsoever shall offer to arrest or detain the person of any member without first acquainting this house, that it is lawful for such member, or any person to assist him, and to stand upon his or their guard of defence, and to make a resistance, according to the protestation taken to defend the privileges of parliament.

Articles against the five members.

The king being put to it, caused articles of high treason and other misdemeanours to be prepared against those five members,

For endeavouring to subvert the fundamental laws and government, and deprive the king of his legal power, and to place on subjects an arbitrary and tyrannical power, by foul aspersions on his majesty and his government, to alienate the affections of his people, and to make him odious.

To draw his army to disobedience, and to side with them in their traitorous designs.

That they traitorously invited and encouraged a foreign power to invade England.

That they traitorously endeavoured to subvert the very rights and being of parliament.

Endeavouring to compel the parliament to join with them in their traitorous designs: and to that end have actually raised and countenanced tumults against the king and parliament.

The king understanding that the house of commons had voted against the arrest or seizure of the persons of any of their members; the papists, by the means and influence of the queen, as was supposed, persuaded the king the next day in the morning to come himself to the house of commons, guarded with his pensioners, and followed by about two hundred of his courtiers and soldiers of fortune, most of them armed with swords and pistols.

The king in the house of commons.

Upon his hasty knock the door was opened, and he commanding his attendants to stay without, himself entered into the house; at which the speaker rose out of his chair and stood below, and the king stepped up and looked round about the house, to see if the five members or any of them were there; but they having had some inkling of his coming were gone away before into London.

He views the house round, then sits down in the speaker's chair, and spake to them to this effect:

The king's speech.

GENTLEMEN,

I am sorry for this occasion for coming unto you: yesterday I sent a sergeant at arms upon a very important occasion, to apprehend some that upon my commandment were accused of high treason, whereunto I did expect obedience and not a message; and I must declare unto you here,

That albeit no king that ever was in England shall be more careful of your privileges, to maintain them to the utmost of his power, than I shall be; yet you must know, that in cases of treason no person hath a privilege: and therefore I am come to know if any of those persons that I have accused for no slight crime, but for treason, are here.

I cannot expect that this house can be in the right way that I do heartily wish it, therefore I am come to tell you that I must have them wheresoever I find them.

Then the king again looked round the house, and the

speaker standing below by the chair, the king asked him, whether any of those persons were in the house; whether he saw any of them, and where they were.

The speaker thus surprised, yet with much prudence falling on his knee, answered the king to this purpose: The speaker.

MAY IT PLEASE YOUR MAJESTY,

I have neither eyes to see nor tongue to speak in this place but as the house is pleased to direct me, whose servant I am here; and humbly beg your majesty's pardon that I cannot now give any other answer than this to what your majesty is pleased to demand of me.

Then the king again casting his eye round about the house, he spake to this effect:

Well, since I see all the birds are flown, I do expect from you, that you do send them to me as soon as they return hither. But I assure you, on the word of a king, I never did intend any force, but shall prosecute against them in a legal and fair way, for I never meant any other.

And now, since I see I cannot do what I came for, I think this no 53
unfit occasion to repeat what I have said formerly, that whatsoever I have done in favour and to the good of my subjects, I do mean to maintain it.

I will trouble you no more, but tell you I do expect, as soon as they come to the house, you will send them to me; otherwise I must take my own course to find them.

Having said this, the king rose and went out of the house again.

This action of the king filled the discourses of all people, and it was much wondered at by many sober men, and judged extremely to his prejudice, and to the advantage of those that were disaffected to him.

The notorious breach of the privilege of the house of commons by that action could not but be foreseen by any who had knowledge of parliament affairs: and to advise the king to such a sudden and intemperate act, so justly liable to exception, and without any probability of service to himself, was held very strange.

And divers imagined, that if the five members had not received a secret notice from a great court lady, their friend, (who overheard some discourse of this intended action, and thereof gave timely notice to these gentlemen,) whereby they got out of the house just before the king came: otherwise,

It was believed, that if the king had found them there, and called in his guards to have seized them, the members of the house would have endeavoured the defence of them, which might have proved a very unhappy and sad business; and so it did, notwithstanding that was prevented. This sudden action being the first visible and apparent ground of the ensuing troubles.

The action diversely censured.

Divers excuses were made for this action: some said, it was the women's counsel and irritation of the king (telling him, that if he were king of England he would not suffer himself to be baffled about these persons) provoked him to go to the house himself, and fetch them out.

Others said, he was put upon it by those who designed his prejudice by it. Others said, it was in passion, unadvisedly undertaken, and rashly executed. None could make a satisfactory apology for it, and the king himself afterwards acknowledged his too much passion in it.

At his unexpected coming into the house they were in a very great amazement, but upon his going away, and so as he might hear them, the house was in a great disorder, crying aloud many of them together, *Privilege! privilege!*

Some of them brake out into expressions, that there never was so unparalleled an action of any king, to the breach of all freedom, not only in the accusation of their members, ransacking and searching their studies and papers, and seeking to apprehend their persons, but now in a hostile way he threatened the whole body of the house. They thereupon frame and publish a declaration, Jan. 5, 1641,

Declaration.

By which they set forth all this matter of the king's coming to the house in a warlike manner, to the terror and affrightment of them; and that this is a high breach of the privileges of parliament, and inconsistent with the liberty and freedom thereof.

They conceive, they cannot safely sit without a guard, in whom they may confide; for which they have been suitors to the king, but could not yet obtain it.

They appoint a committee to sit at the Guildhall in London, to consider of these things, and of Ireland, and adjourn the house.

They publish another vote, that if any arrest a member of parliament by warrant from the king only, it is a breach of

privilege; and that the coming of papists and soldiers (to the number of five hundred armed men) with the king to the house was a traitorous design against the king and parliament.

They vindicate the five members, and declare that a paper issued out for apprehending them was false and scandalous and illegal, and that they ought to attend the service of the house; and require the names of those who advised the king to issue that paper, and the articles against the five members.

Upon these passages and declarations, a great number of persons in a tumultuous manner came from the city to Westminster, where they offered many affronts and violences to divers of the bishops and others. Tumults.

Jan. 12. The bishops, by petition and protestation in the lords' house, set forth this, and their own right to sit and vote in parliament; which by reason of those tumults and insolences they could not do: they say they have no redress upon their complaints hereof, and cannot attend the service of the parliament without danger of their lives: they therefore protest against all acts and votes in their absence as null and void. And desire this their protestation may be entered. Bishops' protest.

Divers of their adversaries were much pleased with this unadvised act of the bishops, being (as they wished) a way prepared by themselves for them to be set aside, and removed from the house of lords.

For this, not long after, they were accused by the commons of high treason: Glynne was the messenger: they were brought on their knees to the lords' bar, ten of them committed to the Tower, and the other two, in regard of their age, to the black rod. Bishops accused of high treason.

The house of commons, upon suspicion of some designs against their persons, petitioned the king for a guard, to be commanded by the earl of Essex, which the king denied, but promised to take care for their security, as for himself, his wife, and children.

Many citizens tumultuously flocked to the king's coach as he passed through the city of London, beseeching him to agree with his parliament, and not to violate their privileges.

After this, at a common council, they draw up a petition to the king, complaining,

London petition.

That trade is decayed, and pray that he would prevent the ruin of the protestant religion, and the lives and liberties of the subjects, by the designs of papists; more particularly by their fomenting the Irish rebellion, by changing the constable of the Tower, and making preparations there by fortifying Whitehall, and his majesty's late invasion of the house of commons.

They pray, that by the parliament's advice the protestants in Ireland may be relieved, the Tower put in the hands of persons of trust; a guard appointed for the safety of the parliament; and that the five members may not be restrained nor proceeded against, but by the privileges of parliament.

The king's answer.

To this the king gave answer, that he could not express a greater sense of Ireland than he had done; that merely to satisfy the city, he had removed a worthy person from the charge of the Tower; and that the late tumults had caused him to fortify Whitehall for the security of his own person.

That his going to the house of commons was to apprehend those
54 five members for treason, to which the privilege of parliament could not extend; and that yet he would proceed against them no otherwise than legally.

During this time, the five members had got into friends' houses of the city, where they were highly caressed, and had the company of divers principal members of the house to consult together, and to lay their further designs, and they wanted nothing.

Petition.

Soon after this, divers Buckinghamshire men came up with a petition to the king, for Mr. Hampden, their knight of the shire (whereof probably he was not altogether ignorant beforehand): they pray that Hampden and the rest that lie under the burden of accusation may enjoy their just privileges.

Tumults.

Great numbers of people gathered together in a very tumultuous manner about Whitehall and Westminster; and it was a dismal thing to all sober men, especially members of parliament, to see and hear them.

The king removes to Hampton Court.

The king fearing danger from them, or perhaps by the unfortunate counsel of papists as some reported, thought fit to remove to Hampton Court, and took with him the queen, prince, and duke of York.

This was another and great wonder to many prudent men, that the king should leave this city, the place of his and his predecessors' usual residence; where most of his friends and

servants were about him, the magazine of all provisions both for war and peace, the place for intelligence and supplies, and betake himself to the country, where these things were not to be had, and by his leaving the town bring great disadvantages upon himself and his affairs: this was thought not to have been done advisedly.

But the fears of those with him, and his own fears for them, occasioned by the tumults, and his hopes that by his absence the heat of the house of commons might in some measure be cooled, were alleged in excuse of this action.

Five members return to the house.

The next day the five members were triumphantly brought from London to Westminster by water, by a great number of citizens and seamen in boats and barges, with guns and flags, braving as they passed by Whitehall, and making large protestations at Westminster of their adherence to the parliament.

At Hampton Court the king gave the like answer to the Buckinghamshire petition as he had done before to that of London.

Lord Digby. Lunsford.

The parliament were informed that the lord Digby and colonel Lunsford were gathering some troops of horse at Kingstone, and appeared in arms there, whereupon they order the sheriffs and justices of peace in all counties to suppress all unlawful assemblies with the trained bands, and to secure the magazines. Colonel Lunsford is apprehended and sent to the Tower, and the lord Digby escaped beyond sea.

The court removing to Royston, the attorney-general Herbert is summoned to appear at the lords' bar, to answer concerning the articles against the five members, but the king, by his letter to the lord-keeper Littleton, took all the matter upon himself, and excused his attorney, and concludes, that finding cause to desist wholly from proceeding against the persons accused, he had commanded his attorney to proceed no further therein.

Message.

Jan. 20. The king by message to the parliament adviseth them to digest into one body all the grievances of the kingdom, and to send them to him, promising his favourable assent to those means which should be found most effectual for redress, wherein he would not only equal, but exceed the most indulgent princes.

The Scots having a fair plantation in Ireland offered to transport thither 2500 soldiers upon certain articles, which the parliament accepted, and at length the king assented to them.

Then the Scots commissioners mediated for a reconciliation of the differences between the king and parliament, for which the house of commons returned thanks to them.

Petition. The house of commons moved the lords to join with them in petitioning the king for the militia and the command of the Tower, but the lords not consenting, the commons themselves importune the king to put those powers into the hands of the parliament, as the only available means to remove their fears and jealousies.

Answer. The king, not willing to part with those powers, gave this answer, that he thought the militia to be lawfully subject to no command but his own, and therefore would not let it out of his hands; that he hath preferred to the lieutenancy of the Tower a person of known fortune and unquestionable reputation, and that he would prefer none but such to the command of his forts and castles; yet would not intrust the power of conferring those places and dignities from himself; being derived to him from his ancestors by the fundamental laws of the kingdom.

The commons petitioned again for these powers, and were again denied them by the king.

Petitions. Divers petitions, accompanied with great numbers of people, and more subscriptions from Suffolk, London, and one from the city dames, were presented to the parliament, against the

Answer. votes of popish lords and of bishops: to which answers were given by the commons, that they had endeavoured and still would endeavour with the lords that redress might be had therein.

Bill for disabling bishops. Soon after this, the lords passed the bill for disabling persons in holy orders to have any place or vote in parliament, or to have any temporal jurisdiction.

The commons again petition the king for the militia, and to clear the five members, but they perceived by his answer that he was resolved not to part with the militia out of himself, nor otherwise to clear the five members but inclusively within a general pardon.

The king sent for all his household servants to attend him,

particularly for the earls of Essex and Holland, but they excused themselves with the necessity of performing their duties in parliament: upon which Essex was put out of his place of chamberlain, and the other of the king's bedchamber, and became the more provoked. Essex. Holland.

The lord Digby sent letters from Middleborough to the queen and to secretary Nicholas, to advise the king to betake himself to some place of security, where he and others might safely resort to him, and he doubted not but that he should do him acceptable service: but these letters being intercepted, Letters intercepted.

The parliament sent to the king, that he would desire the queen not to correspond with Digby, nor any others whom his great council had proclaimed traitors.

The parliament took notice of a rumour that they intended to accuse the queen of high treason, which they deny, and call a public scandal upon them, to which the queen gave a mild answer; yet, careful to prevent any danger, she obtains leave of the king, who also acquaints the parliament that his daughter was to go into Holland to her betrothed husband, the young prince of Orange, and that her mother the queen desired to go with her daughter.

Accordingly the queen went with her daughter into Holland, and carried with her all her own and the king's jewels, not leaving behind the jewels of the crown; that with them, and the assistance of the prince of Orange, a sufficient party might be raised for the king. 55 The queen goes to Holland.

At a conference with the lords Mr. Pym affirmed that many of the chief commanders, now in the head of the rebels, and great papists, had been licensed to pass thither by the king, after the lord lieutenant had put a stop at the ports against their coming thither. Pym.

The king, much distasted at this, as intimating his conniving at the rebellion, required the declaration of the house of commons for his vindication, but could not obtain it.

The parliament were busy in debates touching the ordering of the militia for the several counties; in which some declared their opinions that the power of the militia was solely in the king, and ought to be left to him, and that the parliament never did nor ought to meddle with the same. Militia.

Others were of opinion that the king had not this power

in him, but that it was solely in the parliament, and that if the king refused to order the same according to the advice of the parliament, that then they by the law might do it without him: and this was moved to be now done by the parliament, the king having denied their former petitions for settling of the militia as they desired.

Upon this debate I spake to this effect:

Mr. Speaker,

I have often heard it said in former debates in other matters in this house, that such and such a thing was of as great concernment as ever came within these walls. I am sure it may be said so of the matter of your present debate; it is truly of the greatest concernment that ever came within these walls.

It highly concerns us all, and our posterity after us, where the power of this militia shall be placed. This great power, which indeed commands all men and all things, cannot be too warily lodged nor too seriously considered: and I do heartily wish that this great word, this new word, *the militia*, this hard word, might never have come within these walls, but that this house may be as the temple of Janus, ever shut against it. I take the meaning of those gentlemen who introduced this word to be, the power of the sword, *potestas gladii*, which is a great and necessary power, and properly belonging to the magistrate, *potestas gladii in facinorosos*, without which our peace and property cannot be maintained.

But *potestas gladii in manibus facinorosorum* in the hands of soldiers is that whereof you now debate, and it is best out of their hands; I hope it will never come there. Some worthy gentlemen have declared their opinions, that this power of the militia is by right and law in the king only, others affirm it to be in the parliament only; I crave pardon to differ from both these opinions. I humbly apprehend that this power of the militia is neither in the king only nor only in the parliament; and if the law hath placed it any where, it is both in the king and parliament when they join together.

And it is a wise institution of our law, not to settle this power any where, but rather to leave it *in dubio* or *in nubibus*, that the people might be kept in ignorance thereof as a thing not fit to be known, not to be pried into. It is the great *arcanum imperii*, and the less it is meddled with, the less acquaintance we have with it, the better it will be for all sorts of persons, both for king and people.

That this power of the militia is not in the king only appears in

this, that the power of money is not in the king, but it will be granted here that the power of money is solely in this house; and without the power of money to pay the soldiers the power of the militia will be of little force.

But if the power of the militia should be in the king, yet the power of money being in the parliament, they must both agree, or else keep the sword in the scabbard, which is the best place for it.

It is true, that the king by his tenures may require the service in war of those that hold of him; but if they stay above forty days with him, unless he give them pay they will stay no longer.

And it is also true (as hath been observed) that our law looks upon the king as the Jewish law did upon theirs, that by his kingly office, *he is to go in and out before the people*, and to lead them in battle against their enemies, but by the laws of the Jews their king could not undertake a war abroad without the consent of the great sanhedrim.

And by our law, as is declared by the statute 1 E. III, and by divers subsequent statutes, the king can compel no man to go out of his country, but upon the sudden coming of strange enemies into the realm: and how many of our parliament rolls do record that the king advised with his parliament about his foreign wars, and could not undertake them without the advice and supplies of the parliament.

All power of the militia is exercised either in offence or defence: defence is either against the invasions of enemies from abroad, or against insurrections at home.

Against insurrections at home, the sheriff of every county hath the power of the militia in him, and if he be negligent to suppress them with the *posse comitatus* he is finable for it.

Against invasions from abroad, every man will be forward to give his assistance; there will be little need to raise forces, when every man will be ready to defend himself, and to fight *pro aris et focis*.

As to offensive war against a foreign enemy, if the king will make it of himself, he must of himself pay his army; which his own revenue will hardly afford; nor can he compel any of his subjects to serve him in those wars; none can by law be pressed to serve in the war but by act of parliament.

But not to waste more of your time, sir, I shall conclude, that in my humble opinion the power of the militia is neither in the king alone nor in the parliament; but if any where in the eye of our law, it is in the king and parliament both consenting together.

And I think it best that it should be there still. I cannot join in that advice to you, to settle the militia of yourselves without the

king, but rather with those worthy gentlemen who have moved, that we yet again should petition his majesty, that the militia may be settled in such hands as both he and you shall agree upon whom
56 you may trust, and who, I hope, will be more careful to keep it sheathed than to draw it.

After a long debate in the house upon this matter, they resolve to move the king that sir John Biron may be put out from being lieutenant of the Tower, and sir John Conyers to succeed him; which was granted.

Then they proceed to nominate fit persons for trust of the militia in the several counties, and pass an act to disable all clergymen from exercising any temporal jurisdiction.

Message. The king sends a message to them, That, to satisfy and compose all differences, he will by proclamation require all statutes concerning popish recusants to be put in execution;

That the seven condemned priests shall be banished, and all Romish priests within twenty days to depart the kingdom.

He refers the consideration of the government and liturgy of the church wholly to the two houses.

And offers himself to go in person to the Irish war.

Petition. The lords and commons petition the king, That though he find cause to desert the prosecution of their members, yet the charge against them reflects upon the whole parliament; they desire to know the informers, and their suggestions, to be proceeded against as by the statutes 37 and 38 E. III.

Then they ordain the power of the militia, for defence of the parliament, Tower, and city of London, under the command of Skippon, a faithful and able soldier; and petition the king for settling the militia of the several counties on such as they had nominated; to which the king respited his answer till his return from Dover, whither he accompanied the queen and their daughter, going for Holland.

Skippon. Petition. Militia.

Febr. 15. That pious and worthy judge, sir George Crooke, having attained near the age of eighty years, died at his house at Waterstoke in Oxfordshire, lamented by his neighbours and relations.

Answer. The king, being returned from Dover to Greenwich, sent his answer to the parliament's petition concerning the militia, of the inconvenience and breach of his right to have it settled as they desired: and he sent for his two sons to come from Hampton Court to him to Greenwich.

Feb. 26. The house of commons passed the bill for the adventurers for Ireland, That every one that would bring in and adventure money for the reducing of Ireland should have so many acres of the Irish rebels' lands, proportionable to the money which they brought in, and very good bargains; whereupon very great sums of money were brought in for that service. Bill for Ireland.

The parliament again, and most earnestly, press and importune the king to settle the militia according to an ordinance passed by them for that purpose: the king excepts against it, and shews his reasons why it was not for fit him to confirm it; and then he goes to Theobald's. Militia.

Thither the petition of the parliament followed him, yet more earnestly pressing him to confirm their settlement of the militia, in which petition they plainly tell the king, That the business of the settling of the militia will endure no more delay; and that if his majesty shall still refuse to agree with his two houses of parliament in that business, and shall not be pleased upon their humble advice to do what they desire therein, that then, for the safety of his majesty, and of themselves, and of the whole kingdom, and to preserve the peace thereof, and to prevent future fears and jealousies, they shall be constrained of themselves, without his majesty, to settle that necessary business of the militia. Petition.

The king, much surprised at this home petition, yet sends his answer and reasons why he could not assent unto it: but the parliament voted his answers to the business of the militia to be unsatisfactory, and that the kingdom be forthwith put into a posture of defence. Vote.

They appoint a committee to draw a declaration upon the causes of their fears and jealousies, and to consider what was fit further to be done; and this was March 2, the next day after the king's last answer given to their petition concerning the militia.

Then advertisements are given out of dangers from neighbour princes; upon which the earl of Northumberland, lord admiral, is commanded to fit all the navy royal for the sea, and private owners of ships are persuaded to do the like. Beacons are new made, sea-marks set up, and great posting up and down with packets; all symptoms of the ensuing war.

The king being removed to Royston, March 9, 1641, thither the earls of Pembroke and Holland, who had been before very intimate with the king, and obliged to him, were sent with the parliament's declaration, mentioning the king's misgovernments and his actions:

Declaration.

By attempting to incense the late northern army against the parliament.

Jermin's treasons and transportation by the king's warrant.

The petition delivered to captain Legg with the king's own hand, and signed *C. R.*

The business of the lord Kimbolton and the five members.

The suspicious designing of a guard about the king's person.

The underhand promoting of the Irish rebellion.

The ordering of sir John Pennington to land the lord Digby, from thence to alienate the king from his parliament, and to procure foreign assistance to the king, appearing more credible by his removal with the prince, and the many advertisements from Rome, Venice, Paris, and other parts, of aid to be given to the king in reference to some design against religion and the parliament.

They desire the king to put away his wicked councillors, and to put his trust in the parliament; which if he would do, they would sacrifice their lives, fortunes, and utmost endeavours to the supportation of his sovereignty.

Militia. The lords would have moved the king to have come nearer to the parliament, and to have granted the militia for a time, but it was refused.

Answer. Then he told them in short, that their fears and doubts and jealousies were such, as he would take time to satisfy the whole world of, but that his own were not trivial; occasioned by so many scandalous pamphlets, seditious sermons, sundry public tumults, hitherto uninquired into and unpunished.

Some time after, he published a declaration for further answer, to this effect:

That he had no evil councillors about him, but leaves such to their censure, where they should find them.

That he desired the judgment of Heaven might be manifested upon those who had any design against the protestant

profession, that the Scottish troubles were silenced by the act of oblivion.

That the charging him with any inclining to the Irish rebellion was a high and causeless injury.

That he never intended to exasperate the late army, or to use them against the parliament.

That he signed captain Legg's petition to satisfy the army and sir Jacob Ashley of his opinion.

That Digby and Jermin never were at Whitehall, nor had any warrant from him after the restraint.

That he had given sufficient answers about Kimbolton and 57
the five members.

That the care of his own safety caused him to raise a guard at Whitehall, and to receive the tender of the gentlemen of the inns of court of their service, and that he looked upon their foreign advertisements as wild and irrational.

The king removes northward; in the meantime the parlia- Vote.
ment voted the ordinance for the defence of the kingdom no wit prejudicial to the oath of allegiance, but to be obeyed as the fundamental laws, and the king's commands for lieutenancy over the respective counties to be illegal and void.

In these votes they received great encouragement and confirmation from the opinions of several of the members of the house of commons, as Pym, Hampden, Hollis, Stapleton; and of lawyers, St. John, Corbet, L'Isle, and divers others; and chiefly from the confident opinion of the lord keeper Littleton concurring with them. Others who went along with them were not yet clear of this opinion.

From Huntington the king sends them a message, March Message.
15, that he means to make his residence at York, and desires them to hasten their succours for Ireland, and not upon any pretence of an ordinance, to which his assent is not given (as by law it ought) to do against law, which he was to keep and his subjects to obey.

Upon this message from the king the parliament were the Lords' report.
more exasperated by a report from the lords who were sent to him unto Royston, that at the reading of that part of their message concerning Mr. Jermin the king said that "it is false," and when they read that of captain Legg, the king said, "That's a lie."

In answer to the king's message from Huntington, the par- Answer.

liament vote that the king's absence so far from his parliament was obstructive to the relief of Ireland, and therefore all those councillors that advised him to it are to be suspected as favourers of that bloody rebellion, as likewise those who persuaded his majesty to question or contradict their votes, which was a high breach of privilege of parliament.

March 16. At Stamford the king proclaims the putting in execution the laws against papists, and so goes on to York, and there, March 24, repeals his grant for passing the bill of tunnage and poundage, and commands the payment of it for the future, according to the act 1 Jac.

The earl of Northumberland, lord admiral, being indisposed, the king appoints sir John Pennington vice-admiral, to take the charge of the fleet; but the parliament, by a paper enclosed in a letter to the lord keeper Littleton, March 28, recommended the earl of Warwick to the king for that service, the first recommendation of theirs for the chief sea commander; but he was refused.

Anno 1642. Address at York. April 5, the assizes being at York, the gentry, ministers, and freeholders of that county, by an humble and hearty address, testify their loyalty to the king and sorrow for the distractions, and pray his majesty to be pleased to declare some expedients which may take away all misunderstandings betwixt him and his great council.

The king gives them a gracious answer, and wishes them to apply to the parliament for the good of all.

Message. The king sends a message to the parliament, offering his own person to reduce Ireland, and his intent to raise his guards for that purpose; desires them to quicken their levies, and saith he hath prepared a bill by his attorney concerning the militia, for the good of all if received; if refused, he calls God and the world to judge between them.

To this they returned no answer.

Divers members of parliament subscribed several sums of money upon the act of parliament for reducing of Ireland.

The county of Bucks advanced 6000*l.* towards this service for the relief of bleeding Ireland, and their money was repaid upon the bill of 400,000*l.* to be raised for that service.

Hull. The parliament apprehending the king's purpose to seize upon the great magazine at Hull, they desire it might be transported from thence to the Tower of London, to supply

the want of ammunition there, from whence Ireland was supplied, and here it would be easier transported to Ireland.

To which the king returns a quick answer, denying their petition: they shortly after send their reasons to the king against his going in person to Ireland, and tell him they cannot consent to any levies but such as they shall advise, and others they shall interpret to the terror of the people, and suppress it, and refuse to submit to any commissioners in the king's absence, but to govern by consent of parliament. Reasons.

This was looked upon by many as very strange and high, and the king in answer to it says, he looks upon them as his great council with regard; but yet upon himself as not deprived of his understanding, nor divested of any right he had before the parliament did meet. Answer.

That he called them by his writ and authority to give him counsel, but did not resign his interest and freedom, nor will subject himself to their determinations, and holds himself free to dissent from them.

That they menace rather than advise in their petition doth not stagger him.

The lords justices and council of Ireland, hearing of the king's intention to come thither in person, writ a letter of thanks and encouragement to him, to proceed in that his gracious intention, but the parliament being averse thereunto the king declined it.

The king demands justice from the house of lords against several authors and preachers of seditious doctrine, that the king denying what the parliament desired, they might do it without him, and that human laws do not bind the conscience, with much of the like new opinions, but nothing was done in it.

The parliament had committed the charge of the town and magazine of Hull to sir John Hotham, one of their members, who was sent down thither; the parliament purposing to remove the magazine to London, the county of York had petitioned that it might still remain at Hull for securing the northern parts, especially the king residing there. Hotham.

The king thought it the best way himself to seize upon the magazine, and taking a guard of his servants, and some neighbouring gentry, April 23, he went to Hull, but, con- Hull.

trary to his expectation, he found the gates shut and the bridges drawn.

And from the walls appeared sir John Hotham denying entrance to the king, which he said he could not admit without breach of his trust to the parliament.

The king required him to shew his order for this from the parliament.

He then said that the king had too great a train, and would not admit him entrance though with but twenty horse, which so moved the king that he caused Hotham to be there proclaimed traitor, and so returned to York.

58 Thence he sends to the parliament to demand justice against Hotham, and sends to the magistrates of Hull, to admonish them not to adhere to Hotham, but to testify their allegiance to their king by delivering the magazine into his hands.

Messages. Again the king sends to the parliament for exemplary justice against Hotham, and that immediately the magazine be delivered up to him, and till this be done he will intend no other business; for to be in worse condition than the meanest subject, not to enjoy his own, it is time to examine how he lost them, and to try all possible ways, by help of God, the law, and his good subjects, to recover them. "God so deal with us as we continue these resolutions."

Vote. To these messages having no return, scouts are laid to intercept letters between the house and Hull, which they voted a high breach of their privilege, and to defend it with their lives and fortunes; they justify Hotham, and order that the sheriffs and justices of peace suppress all forces that shall be raised or gathered together against Hull, or to disturb the peace.

Militia. The king's bill of the militia was declined by the parliament, and a new one from themselves presented to the king, which he refused, and gave his reasons for it. They put the power in the persons nominated by them, excluding the king in ordering any thing together with them.

The king offered that in his absence in Ireland it should be so, and that for a year, but it was not liked. Then they pass a declaration touching Hotham, and avow his action, and set forth designs against Hull April 28, and send a committee thither for the better securing of the town.

Hotham is authorized by his warrants to raise the trained bands in Yorkshire, to march with their arms into Hull, where he disarmed them and turned them home again.

The king signifies to the sheriff that this cannot be done legally, and forbids any muster without his command, and to suppress those that disobey with the *posse comitatus.*

May 5. The parliament require all persons in authority to put the ordinance of the militia in execution, which the king declares to be no legal power in the houses, and commands that none do obey it, and summons the gentry of the county to York, to whom he relates these illegal proceedings of the parliament, and tells them his purpose to have a guard only to secure his person, in which he desires their assistance.

And the rather, because the members that came with the last message to the king returned to York, and before them all these proceedings were had.

Sir Thomas Gardiner, recorder of London, was impeached for advising the lord mayor to pay shipmoney, and other illegal things, and against Scotland, and opposing the parliament, but he got to the king. Gardiner.

The county of York being summoned, the committee prevailed with some of them to oppose the raising of a guard for the king, and the parliament declared against it, and that such as do are disturbers of the peace.

The ordinance of the militia being now passed, and lieutenants named for the several counties, they nominated their deputy lieutenants to the parliament for their approbation.

The lord Paget being named in the ordinance, and approved to be lieutenant of Bucks, he named Hampden, Goodwin, Grenville, Tyrrell, Windwood and myself to be his deputy lieutenants, who were approved by the parliament.

And the 11th of May, 1642, he sent to me a commission to be one of his deputy lieutenants, in this tenure:

Whereas the lords and commons in parliament assembled, have, for the safety of his majesty's person, the parliament, and kingdom, in this time of imminent danger, by an ordinance of the said lords and commons, ordained me William lord Paget to be lieutenant of the county of Buckingham, and to have power to assemble and call together all and singular his majesty's subjects within the said county, as well within the liberties as without, that are meant and fit for the wars, and to train, exercise, and put them in readiness; and

after their abilities and faculties well and sufficiently shewn from time to time to cause them to be arrayed and weaponed, and to take the muster of them in places most fit for that purpose, and likewise to nominate and appoint such persons of quality as to me shall seem meet, to be my deputy lieutenants, to be approved of by both houses of parliament; and that any one or more of my said deputy lieutenants so nominated, appointed, and approved of, shall in my absence or by my command have power and authority to do and execute within the said county all such powers and authorities as are beforementioned. And whereas the said lords and commons have likewise ordained that myself, and in my absence, or by my command, my deputy or deputies shall have power to lead, conduct, and employ the persons aforesaid arrayed and weaponed, together with their several colonels, captains, and officers, for the suppression of all rebellion, insurrections, and invasions that may happen within the said county, as within any part of this realm of England or dominion of Wales, for the suppressing of all rebellions, insurrections, and invasions that may happen, according as I from time to time shall receive direction from the lords and commons assembled in parliament. And whereas it hath been ordered by the lords and commons in parliament, that I should deliver in the names of persons to be my deputy lieutenants in the said county, that so they might be approved of by the lords and commons in parliament. And whereas thereupon you, Bullstrode Whitlocke, esq., among others, have been by me nominated to be one of my deputy lieutenants of the said county, and have been approved of by the said lords and commons in parliament. These are therefore to appoint you, by virtue of the said ordinance, to do and execute all such powers and authorities as are beforementioned according to the tenour, intent, and purpose thereof.

William Paget.

Not long after this, the lord Say, who was by the ordinance nominated to be lieutenant of the county of Oxon, sent his deputation to me to be one of his deputy lieutenants for that county, which was of the same tenour and effect as the other was for Buckinghamshire, under his hand and seal, dated 28 May, 1642.

W. Say and Seale.

The lord Paget not long after this began to boggle, and was unfixed in his resolutions; and upon the king's publishing of his commission of array, and declaration against the ordinance of parliament for the militia, (his lordship's heart

failing him, and being unsatisfied in his judgment,) he revolted from the parliament and went to the king.

Whereupon the lord Wharton was nominated, and ap- 59
proved by both houses of parliament, to be in his room lieutenant for the county of Bucks.

Who sent unto me his deputation to be one of his deputy lieutenants for that county, which was of the same tenour and effect with the deputation from the lord Say, and was under his hand and seal, dated the 5th day of June, 1642. Signed, PHIL. WHARTON.

To this deputation was annexed the ordinance of parliament, by which the lord Wharton was constituted lieutenant of Bucks.

Mr. Palmer, Mr. Hyde, and Mr. Bridgeman, and divers other eminent lawyers and gentlemen, had given their opinions positively against the bill, and left the house upon the passing of it. Different opinions.

On the other part, the lord Littleton was most confident for the legality of it, and divers other lawyers and gentlemen of the short robe were clearly for it, and that the lords and commons, in case of the king's minority, sickness, or absence, had done the same in other times.

As when Henry III died, and his son Edward I was in the Holy Land, and came not home in almost two years after his father's death, yet in the meantime the lords and commons appointed lieutenants in the several counties, and made several ordinances, which are of force at this day.

So are the ordinances made by them in the minority of Hen. VI, and upon the difference between him and the duke of York, and the ordinances in the minority of Ed. VI, and in other times.

That the king was now absent; and having called his parliament at Westminster, was himself gone as far from them as York; and had, before he came thither and since, appeared with warlike forces about him, to the terror of the parliament.

That the business of Ireland and other threatening dangers gave too much cause of fears and jealousies to the parliament, and to stand upon their guard, and for defence of themselves and the kingdom.

Without which the king would so grow upon them, and

his evil councillors so prevail, that they would undoubtedly bring their designs to pass of a speedy introducing of popery and tyranny; whereas if they saw the parliament in a good posture of defence, and that the people generally would adhere to them, as no doubt but they would, that then the king would be brought to a good accommodation and agreement with his parliament, without a blow to be struck between them.

Whereby they should preserve the just rights and liberties of the subject, the privilege of parliament, and themselves and their friends, and the protestant religion, from ruin, which, without this appearance only of arms, or power to arm if there should be occasion, would unavoidably be brought to pass.

These arguments, together with the solemn protestations of the most powerful and active members, that they had not the least purpose or intention of any war with the king, but to arm themselves for their necessary defence, prevailed with me to keep my station, and at present to accept those commissions of deputy lieutenancy.

Maynard, Glynne, Grimstone, St. John, Selden, and divers other gentlemen of great parts and interest, accepted of the like commissions, and continued in their service in the parliament.

Mr. Geoffrey Palmer being gone out of town, wrote to me to make his excuse for not attending the house, which was occasioned no otherwise than by his indisposition of health: this I answered for him when the house was called.

The king resolves that Easter term be adjourned from London to York; the parliament vote it to be illegal, and order that the lord keeper Littleton issue no writs or proclamation for that purpose.

Declaration. They publish a large declaration, much to the same effect as the former were, mentioning that the rebellion in Ireland was countenanced by evil counsel about the king, the proclaiming them traitors deferred from October to January after, and then but forty copies ordered to be printed, nor any of them to be published without the king's order; whereas the proceedings against the Scots, and proclaiming them traitors, were very sharp and speedy.

To this the king gives an answer, in effect the same with

what he had said before to these particulars: after which he writes to his council in Scotland, to acquaint them with the state of his affairs in England; to which he receives a dutiful and affectionate answer, with a petition from divers of the nobility and people there, full of zeal and loyalty to his service.

The parliament hearing of this, took course to turn the balance, and within eight days after, the Scots council declare their earnest desires, both to king and parliament, to join in a perfect union; and humbly desire the king to hearken to his greatest, his best, and most unparalleled council.

They dissuade the king from a personal journey into Ireland, and pray that a mediation may be at home, ere the breach be wider; and, in fine, they come to a large manifestation of their true and hearty affection to the parliament of England, protesting to do nothing contrary to them in their privileges.

A multitude of people at Edinburgh hearing of the king's letter to his council there, and of the answer to it, and petition before mentioned, they petition the council there not to meddle by any verbal or real engagement for the king against the parliament of England.

These passages in Scotland gave much advantage to the parliament's affairs in England, who protest their fidelity to the king, and court the Scots with very kind expressions.

The earl of Bristol moved for an accommodation, and a select committee to be appointed to consider of some way to effect the same.

But the parliament voted that which was done at York, for a guard for the king, to be a preparation for war against the parliament, a breach of the trust reposed in him by his people, contrary to his oath, and tending to the dissolution of his government; and all such as serve him there to be traitors to the laws of the kingdom, 11 Ric. II. and 1 Hen. IV. Vote.

After this they publish another remonstrance of the king's misactions and their own privileges. He answers it, and they reply; and May 28 they order, that all sheriffs, justices of the peace, &c., within one hundred and fifty miles of York, make stay of all arms and ammunition carrying to York, and Order.

apprehend the conveyers; and that all sheriffs do suppress all forces coming together by the king's commission, and all persons to aid them; and this to be published in all market towns and churches.

60 The king forbids all obedience to any orders or ordinance of parliament for the militia, according to the statute 7 Ed. I, and requires all the people of Yorkshire to meet at a day and place; which the parliament declare to be against law, and forbid obedience to it.

This was an unhappy condition for the poor people, none knowing what to do or whom to obey, nor what would be the consequence of these thwartings between the great powers and authorities of king and parliament.

Divers members of both houses withdrew to the king, which caused an order for all to attend at a day, upon forfeiting of an hundred pounds to the Irish war.

They order, that whosoever shall lend or bring money into this kingdom upon the king's jewels shall be an enemy to the state.

Nineteen propositions.

July 2. The parliament sent to the king nineteen propositions for peace, which are in print: the king rejected them, as inconsistent with the regal rights. He caresseth the people of Yorkshire.

July 4. The parliament order all deputy lieutenants to be present at all musters, and the lieutenants of counties to despatch their warrants.

July 10. They make an order for bringing in money or plate, to maintain horsemen and arms for defence of the king and parliament, and for the public peace.

Commission of array.

The king sends forth his commissions of array; begins in Leicestershire. These commissions were declared by the parliament to be against law, and the actors in them to be betrayers of the subject's liberty.

Lord keeper Littleton.

The lord keeper Littleton, after his great adherence to the parliament, delivered the great seal to Mr. Elliot, whom the king sent to him for it; and shortly after Littleton followed the seal to the king, but was not much respected by him or his courtiers; yet was he a man of courage, and of excellent parts and learning.

Protestation at York.

Many other of the lords being with the king at York, he declared to them that he would not exercise any illegal au-

thority, but defend them and all others against the votes of parliament, and not engage them in any war against the parliament. And they all, in a solemn protestation, engaged to his majesty to stand by him.

The king wrote to the lord mayor and aldermen of London not to raise any forces for the parliament; and sets forth his large declaration, and invites men to bring in to him money, horse, and arms, on security of his forests and parks for the principal, and eight per cent. interest. Declaration.

He forbids levies without his consent, upon the statutes 7 Ed. I, 2 Ed. III, 11 Ric. II, and the earl of Shrewsbury's case in Hen. VIII's time; and minds them of their oath of allegiance, to be faithful to the king's person as well as to his authority, and justifies his commissions of array.

To which the parliament reply, and he to them again: all which rather exasperated the differences. And now came up the names of parties, *royalists* and *parliamentarians, cavaliers* and *roundheads.*

The king goes to Nottingham, and summoneth and caresseth the freeholders of the county, and promiseth to act according to the protestation at York; the like he did at Lincoln. And, July 11, sends a message to the parliament of his intentions to reduce Hull, if it be not rendered to him; which if they do, he will admit of their further propositions. Message.

He complains of Hotham's actions, for which he will punish him; and of the earl of Warwick's taking upon him the command of the fleet, who had got in the seamen to him, and put by sir John Pennington, and took a ship of ammunition coming to the king from Holland. Earl of Warwick.

The lord Willoughby of Parham being lieutenant of Lincolnshire, was there putting the militia into a posture; which being informed to the king, he wrote to the lord Willoughby to desist from that action; and the lord Willoughby returned an humble, ingenious, and weighty answer to his majesty, to excuse his not performing at present what the king required of him; which he said was not in his power to do, without breach of that trust which he had undertaken to the parliament, and to which he was encouraged by the opinion of some of his majesty's great officers, eminent in the knowledge of the laws, wherein he was not learned. Lord Willoughby.

After this, he proceeded in executing the ordinance for the

militia, and the king was not so severe against him as against others.

The parliament now thought it high time to provide for their own defence, and to raise an army for that purpose.

Upon the debate whereof I declared my opinion to this effect:

Mr. Speaker,

The question which was last propounded about raising of forces, naming a general and officers of an army, hath been very rare before this time, in this assembly, and it seems to me to set us at the pit's brink, ready to plunge ourselves into an ocean of troubles and miseries, and, if it could be, into more than a civil war brings with it.

Give me leave, sir, to consider this unhappy subject in the beginning, progress, and issue of it.

Cæsar tells us (and he knew as much of civil war as any man before him) that it cannot be begun *sine malis artibus.*

Surely, sir, our enemies of the popish church have left no evil arts unessayed to bring us to our present posture, and will yet leave none unattempted to make our breaches wider, well knowing that nothing will more advance their empire than our divisions.

Our misery, whom they account heretics, is their joy, and our distractions will be their glory, and all evil arts and ways to bring calamities upon us they will esteem meritorious.

But, sir, I look upon another beginning of our civil war: God blessed us with a long and flourishing peace, and we turned his grace into wantonness, and peace would not satisfy us without luxury, nor our plenty without debauchery; instead of sobriety and thankfulness for our mercies, we provoked the Giver of them by our sins and wickedness, to punish us (as we may fear) by a civil war, to make us executioners of Divine vengeance upon ourselves.

It is strange to note how we have insensibly slid into this beginning of a civil war by one unexpected accident after another, as waves of the sea, which have brought us thus far; and we scarce know how, but from paper combats, by declarations, remonstrances, protestations, votes, messages, answers, and replies, we are now come to the question of raising forces, and naming a general and officers of an army.

But what, sir, may be the progress hereof the poet tells you:

61 *Jusque datum sceleri canimus, populumque potentem*
In sua victrici conversum viscera dextra.

We must surrender up our laws, liberties, properties and lives into the hands of insolent mercenaries, whose rage and violence will

command us and all we have, and reason, honour and justice will leave our land; the ignoble will rule the noble, and baseness will be preferred before virtue, profaneness before piety.

Of a potent people we shall make ourselves weak, and be the instruments of our own ruin, *Perditio tua ex te* will be said to us; we shall burn our own houses, lay waste our own fields, pillage our own goods, open our own veins, and eat out our own bowels.

You will hear other sounds besides those of drums and trumpets, the clattering of armour, the roaring of guns, the groans of wounded and dying men, the shrieks of defloured women, the cries of widows and orphans, and all on your account, which makes it the more to be lamented.

Pardon, sir, the warmth of my expression on this argument, it is to prevent a flame, which I see kindled in the midst of us, that may consume us to ashes. The sum of the progress of civil war is the rage of fire and sword, and (which is worse) of brutish men.

What the issue of it will be, no man alive can tell, probably few of us now here may live to see the end of it. It hath been said, *he that draws his sword against his prince must throw away the scabbard:* those differences are scarce to be reconciled; these commotions are like the deep seas, being once stirred, are not soon appeased.

I wish the observation of the duke de Rohan in his interest of Christendom may prove a caution, not a prophecy. He saith of England, that it is a great creature, which cannot be destroyed but by its own hand. And there is not a more likely hand than that of civil war to do it.

The issue of all war is like a cast at dice, none can tell upon what square the *alea belli* will light. The best issue that can be expected of a civil war, *ubi victor flet, et victus perit:* which of these will be our portion is uncertain, and the choice should be avoided.

Yet, sir, when I have said this, I am not for a tame resignation of our religion, lives, and liberties into the hands of our adversaries, who seek to devour us. Nor do I think it inconsistent with your great wisdom, to prepare for a just and necessary defence of them.

It was truly observed by a noble gentleman, that if our enemies find us provided to resist their attempts upon us, it will be the likeliest way to bring them to an accord with us. And upon this ground I am for the question.

But I humbly move you to consider, whether it be not yet too soon to come to it. We have tried by proposals of peace to his majesty, and they have been rejected: let us try yet again, and appoint a committee who may review our former propositions.

And where they find the matter of them (as our affairs now are) fit to be altered, that they present the alterations to the house, and their opinions; and that, as far as may stand with the security of us and our cause, we may yield our endeavours to prevent the miseries which look black upon us, and to settle a good accommodation; so that there may be no strife between us and those of the other party, for we are brethren.

Votes for an army.

After great debate it was voted, that an army should be raised for the defence of king and parliament: that the earl of Essex should be captain-general of this army, and the earl of Bedford to be general of the horse.

A committee was appointed of both houses to confer with the general, and to nominate colonels, field officers, and captains of this army.

Petition.

The earl of Holland, sir John Holland, and sir Philip Stapleton, were sent with a petition to the king to Beverley, to disband his forces, recall his commissions of array, dismiss his guards, and to return to his parliament: all which he refused.

Money raised.

The parliament were furnished with money by loans upon the public faith, and by the endeavours of sundry ministers and others: a great quantity of money, plate, and ammunition was brought in, even by some poor women, to their wedding rings and bodkins.

The king was furnished with moneys from the queen upon the pawned jewels, and by contributions from the cavalier lords and gentlemen, and a loan from Oxford university.

The king removed from Beverley to Leicester, where he courted the inhabitants: but the earl of Stamford was there proclaimed traitor, for he removed the county magazine to his house, and set guards about it; but the parliament vindicated him by a declaration.

Several proclaimed traitors.

The king raises and arms a regiment in Yorkshire for the prince. The parliament declare all the commissioners of array to be traitors, and order them to be apprehended. And the king proclaims Essex, and all the colonels and officers of his army, who should not instantly lay down arms, to be rebels and traitors, and orders marquis Hertford, his lieutenant-general, to march against general Essex.

Declaration.

August 12. The king published his proclamation, and de-

claration very large, in setting forth what he had done in favour of the people and satisfaction of the desires of the parliament; then the evil actions of the parliament against him; and in all justifies his own, and condemns the parliament's proceedings. And is to be seen in print.

The parliament took 100,000*l.* of the 400,000*l.* voted to be raised for Ireland, which the king remembers, and they justify and recriminate the king's hinderance of the Irish business, and say, that some of his councillors fomented that rebellion, and they promise satisfaction out of delinquents' estates to those who shall receive damage from the king's party.

August 22. The king at Nottingham erects his standard, to which not so many resorted as was expected. Three days after, he sends propositions to the parliament by the earl of Southampton, sir John Culpepper, and sir William Udall, members of parliament, but they were not admitted to sit in the house. Standard at Nottingham. Message.

The parliament gave answer to this message, that till the king recall his proclamations of treason against Essex and the rest, and take down his standard, they can give no other answer. Answer.

The king replies, that he never intended to declare the parliament traitors, nor set up his standard against them: but if proclamations of traitors be recalled by them he will recall his, and take down his standard. Reply.

They desire him to put away his evil councillors, and to return to his parliament: and vote, that the arms of the parliament for religion, laws, and liberties of the kingdom shall not be laid down till delinquents be left to justice, that their estates may discharge the debts of the commonwealth. 62 Vote.

The soldiers commit outrages, which the king and parliament labour to rectify. Sir Thomas Barrington and Mr. Grimstone in Essex seize upon sir John Lucas and his lady, and commit them to prisons, and Lucas is proclaimed traitor.

The parliament for repayment of loans upon public faith order satisfaction out of the estates of delinquents.

The lord Strange is impeached of high treason for raising Lancashire men, by whom one Percivall was killed.

The king adjourned Michaelmas term, and proclaims Nichols, Macworth, and Hunt of Shropshire to be traitors.

The lord Fairfax and Mr. Bellasis conclude a neutrality for Yorkshire, but the parliament declare the lord Fairfax not bound to observe the articles, but to assist the parliament.

Colours. The earl of Essex's colours was a deep yellow, others setting up another colour were held malignants, and ill-affected to the parliament's cause. So small a thing is taken notice of in the jealousies of war.

Intelligence being given to the house of commons that the earl of Berkshire, and divers gentlemen of principal quality in Oxfordshire, intended shortly to put in execution the king's commission of array at Wattleton;

They commanded me to use my utmost endeavours to prevent the execution of that commission in Oxfordshire, and to apprehend such of the commissioners as should meet for that purpose: and the better to enable me hereunto, they ordered some of the regiment of horse of colonel Goodwyn, and some of the regiment of foot of colonel Hampden, to attend my commands.

The commissioners of array having appointed their meeting at Wattleton at a day, and the country summoned to come in to them, I sent for the forces appointed to meet me; and in the afternoon came to me a troop of horse, and a company of foot, and Hampden himself with them; and when we were met, we had information that the commissioners having notice of the parliament's forces being in the field thought not fit to continue at Wattleton, but brake off their business, and not taking leave or dismissing the country, the commissioners with their company hastened to sir Robert Dormer's house, and thither they were pursued; and when the parliament's company beleagured the house, they fired some muskets and pistols at us; but finding themselves too weak for our party, and that we went about to storm the house, they presently yielded upon quarter.

Most of the commissioners of array were got away, only the earl of Berkshire and two or three more were taken and conveyed to London.

The house of lords committed the earl and the rest to prison, where he lay for a long time after.

The king's general was first, the marquis of Hertford, and shortly after, the earl of Lindsey; divers of his forces quartered near Hull seemed as if they had some design of beleaguring it. Hull.

Sir John Hotham and sir John Meldram his assistant sallied out upon them, surprised them, killed some, and took others prisoners: and shortly after, having a supply of five hundred men from London, they sallied out again, and discomfited some of their forces and burnt a barn with some ammunition of the king's in it: and this was the first place where blood was drawn in this contest.

The king marched from Nottingham to Stafford and Leicester, and so to Wales; and at Shrewsbury his army increased to a considerable body.

The parliament forces rendezvoused at St. Alban's, and from thence marched northward to meet the king with a petition from both houses, and these directions to their general:

Directions to the general.

1. To restrain all profaneness in the army.

2. To march and fight the king's army, and by battle or otherwise to rescue his person, and the prince, and duke of York, from those about him.

3. To present the petition to his majesty, and if he shall please to withdraw himself from his army and resort to his parliament, then to cause those forces to disband and to guard the king in his return.

4. To declare pardon to those that will withdraw from the king, except Richmond, Cumberland, Newcastle, Rivers, Caernarvan, Newark, Falkland, Nichols, Porter, and Hyde.

5. To receive and certify contributions to be repaid.

6. To protect the good people and to restore their losses.

7. To apprehend traitors and delinquents.

8. To observe further directions.

He had a committee with him, who with the general were to take subscriptions of loans, and order matters concerning malignants, and to consider of the good of the army.

The parliament finding supplies and officers sent by the queen from Holland to the king, they sent over to the States Mr. Strickland, to be their resident in the Low Countries, and with him a declaration from the lords and commons, in the penning whereof I was employed; it is in print.

Declaration.

The effect of it was, to acquaint them with the affairs and proceedings of the parliament, and that it was not expected that they, who had formerly received the assistance of the English to recover their liberty, should now assist those whose design was to deprive the English nation of their rights and liberties.

Goring held Portsmouth for the king, and hearing the county trained bands designed to surprise it, he met and skirmished with them and retired to the town, but sir John Mayrick's regiment, and a troop of horse being sent by the parliament to join with the country, they so straitened Goring, that though marquis Hertford hastened to his relief, yet he surrendered the town, and took ship for Holland.

The marquis giving a brush to the earl of Bedford by the way, seized upon Sherburn castle, and from thence marched to the king to Shrewsbury.

Sir John Biron with some troops for the king was unexpectedly set upon at Brackley by the townsmen, and some troops of the parliament, in his march to Oxford, by whom he received some loss, yet came on to Oxford.

The lord Say, lieutenant of Oxfordshire, being then in the
63 country, upon this alarm sent to me and the rest of his deputy-lieutenants, to bring what forces we could to meet him near Oxford, to remove the lord Biron.

I had a gallant company of horse of my neighbours under my command; and the day before I marched out, Mr. Russel, son of sir William Russel, who had been treasurer of the navy to the king, came to me to Henley. He was a member of the house of commons, and was marching towards the army, himself well armed, and twelve of his servants in scarlet cloaks well horsed and armed: he only called upon me by the way to give me a visit, and finding upon what service I was engaged, he accompanied me. When I came near Oxford my scouts brought me intelligence that the lord Say with a regiment of dragoons, and the lord St. John with him, and several companies of his regiment of foot, were upon their march towards the place appointed for our rendezvous, but that sir John Biron, hearing of our approach, had quitted the town.

I went on till I met the lord Say, and with him were the lord St. John, the lord Weenman, and most of his deputy-

lieutenants; and our forces were in all above 3000 horse and dragoons and foot, with whom we entered the city without any resistance, and were welcomed by the townsmen more than by the scholars. Oxford.

Yet, besides the mayor and aldermen, the vice-chancellor and heads of houses and proctors gave my lord Say a visit; and protested, all of them, their duty to the parliament, their desires of peace, and engaged themselves not to act anything against the parliament.

The officers of the forces in council with the lord lieutenant debated the consequence of this place, the strength of its situation, the plenty of the country, the nearness to London, and the disaffection of the university to the parliament's cause.

That the king, by his coming to Shrewsbury and looking this way, and because of the conveniency of the place, might probably make this a principal quarter for his forces, and fortify the city, which would prove a great prejudice to the parliament.

To prevent which, I propounded to the lord lieutenant to take a course that the scholars might not supply his majesty, if he came thither; or rather to fortify the city, and place a good garrison here, under a governor whom his lordship might trust with so important a place as this was. And I was named to be a fit person to be the governor, and one whom both the city and the university and the country thereabouts did well know, and would be pleased with; and the scholars the more, because they knew me to be a scholar and a member of this university. But the lord Say shewed no forwardness to fortify and make this city a garrison.

This being spoken of abroad, divers of the neighbours offered to bring in 1000 men at any time within a day's warning, to be under my command in the garrison; and the townsmen were very forward to engage, so I might be governor: but the lord Say declined it, pretending favour to the university and country, and the improbability, in his opinion, that the king would settle there; though that which follows in this story will shew what a great error was committed in not fortifying this place for the parliament, as it might easily have been done at this time. And surely the lord lieutenant, though a person of great parts, wisdom, and integrity, yet did much fail in this particular.

Some of the company moved his lordship to seize upon or to secure the plate in the several colleges, that it might not be made use of by the king if he should come thither, but he did not think fit to do it; only he and his deputy lieutenants went to the several colleges, and took an engagement and promise from the respective heads, that their plate should be forthcoming, and should not be made use of by the king against the parliament.

Many with his lordship were unsatisfied with this his favour to the university, and foretold the ill consequences of it, which afterwards happened to the prejudice of the parliament.

But his lordship had the sole power in himself, and thus carried all this business, for which he had no thanks from either party.

Sir John Biron marched away from Oxford with 500 horse to Worcester, and took in the town for the king.

About the beginning of November the two princes palatine, Rupert and Maurice, arrived in England, and were put into command in the army of the king their uncle; who had now gotten together a potent army, to whom he made a speech, declaring his intentions to preserve the protestant religion, laws, and liberties of his subjects, and privileges of parliament.

King's speech.

Sept. 9, 1642. The earl of Essex, in much state, accompanied by many of both houses of parliament, sets out from London to St. Alban's, from thence to Northampton, where his forces met him, and they were together above 15,000 men.

The parliament's petition, which he carried with him, was refused to be received by the king; who now had furnished himself with store of money by melting, in his new mint in Wales, the plate which was brought in to him in great quantities; and from thence he marcheth towards London.

The parliament, having notice thereof, order the trained bands to be in readiness, and fortify the passages about the city with posts, chains, and courts of guard; and it was wonderful to see how the women and children and vast numbers of people would come to work, about digging and carrying of earth, to make their new fortifications.

Vote.

The parliament vote those that will not contribute to their

charges to be secured and disarmed. Mr. Fountaine, the lawyer, was for his refusal committed; but afterwards, as will appear in the progress of this story, he and many others refused, and again assisted on both sides, as they saw the wind to blow.

The parliament appoint a committee for the sequestration of the lands of bishops and of deans and chapters, and of the king's revenues, to be employed for defence of the commonwealth.

Colonel Nathaniel Fines, with some forces raised by the lord Say and colonel Sandys, marched to Worcester, to remove sir John Biron from thence, and expected general Essex to second them; but instead of him came prince Rupert, and slew and routed all the parliament party. Sandys was taken prisoner, and shortly after died of his wounds.

Essex coming on with his army, after he had garrisoned Northampton, Coventry, and Warwick, Rupert and Biron thought fit to quit Worcester to him; and Essex sent from thence the earl of Stamford with a party to Hereford, to hinder the forces of South Wales from joining with the king.

Stamford marches from Hereford to Gloucester, and called away from thence leaves Massey governor there. Colonel Tho. Essex is sent to garrison Bristol, and left governor of Worcester. Some forces are sent to Kidderminster and 64
Beaudley, to join with the lord Wharton's regiment and sir Henry Cholmley's; and at Coventry and Warwick lay the lord Peterburgh, sir William Constable, and colonel Brown, with their regiments, to oppose the king's march to London. And at Yarmouth they seized a ship with 140 cavaliers and 300 barrels of powder, sent from Holland to the king.

In Yorkshire the king's party grew strong under the earl Yorkshire.
of Cumberland, sir Francis Worsley, sir Marmaduke Langdale, sir Thomas Glenham, Mr. Nevill, and others, who forced Hotham to retreat to Hull.

In Cornwall, under sir Ralph Hopton their general, sir Cornwall.
Nich. Slanning, sir Bevill Greenville, and others, they possessed Launceston for the king, and with a considerable body opposed the parliamentarians. In Wales the earl of Worcester raised a great number of Welsh, and marched to the king.

The king having gained a day's march of Essex towards

London, Essex, finding his error of so long a stay at Worcester, hastens after the king.

The parliament and their party were not a little troubled at the king's march towards the city, and the suspicion of a great party hereabouts that would join with him, and had invited him this way: they used all means to stop his march, and to hasten general Essex after him.

They sent down their members deputy lieutenants into several counties towards the army, to gather together such forces as were raised, and to send them to their general, and to raise such further as they could.

Octob. 24. Intelligence was brought from Uxbridge road that divers of the officers and soldiers of the parliament's army, particularly sir James Ramsey, a Scot, who commanded a regiment of horse under Essex, rode hastily this morning through Uxbridge, and upon that rode towards London, and reported that the parliament's army was broken and wholly discomfited, and many of the officers slain and taken prisoners.

Other scouts brought other intelligence quite different from the former, and much more welcome. They had it from divers upon the road who were galloping to London with the news, that the earl of Essex had totally routed the king's army, killed and taken many of them, and gained a full victory. At this battle the parliament had a great deliverance and a small victory: the particular passages were thus: The king disdaining to be pursued by Essex turns back to meet him, and Octob. 23, being Sunday, both the armies drew into the field, between Kineton and Edge-hill in Warwickshire. The king had the top of the hill, from whence he viewed the parliament's army, who saluted him with three pieces of cannon, which was answered with two shot of the king's.

Edge-hill fight.

The fight began about two o'clock in the afternoon: the generals of both armies performed their parts with great courage and gallantry, leading on their forces with pikes in their hands, but were advised to change that posture, as fitter for a private soldier than for a general.

The greatest body of the king's horse was in his right wing, commanded by prince Rupert, who furiously charged the left wing of the parliament, commanded by commissary-

general Ramsey, whom he routed, and pursued to Kinetondown with great slaughter.

But the left wing of the king's horse had not the same success, but was broken and routed by the right wing of the parliament's horse, commanded by sir William Balfour, sir Philip Stapleton, the lord Fielding, and colonel Hurrey.

General Lindsey, being far engaged, was taken prisoner, and died presently after of his wounds; with him was taken the lord Willoughby of Ersby, his son; sir Edmund Verney the standardbearer was slain, and the standard taken, and rescued again by Mr. John Smith, who was knighted for it, and made standardbearer.

Both armies, horse and foot, performed their parts with great valour and bravery: night parted the fight, and both armies retreat, each counting themselves victors. On both sides were lost between 5000 and 6000 men.

On the king's side, the general Lindsey and sir Edmund Verney; on the parliament's part, colonel Thomas Essex and lieutenant-colonel Ramsey, and the lord St. John, taken prisoner, soon after died.

The king marched toward Aino; Essex kept upon the place where the battle was fought, and the next day marched towards Coventry.

Some of his friends were very much against his marching thither, but rather advised him to pursue the king, and to make a fresh attack upon him, there being come into Essex after the battle three fresh regiments; the lord Willoughby of Parham his regiment of horse, and the two regiments of foot of Hollis and Hampden, gallant, stout, and fresh regiments.

But Essex was dissuaded from it by colonel Dalbier and some others, but the three fresh colonels, Stapleton, and several others, advised it; and probably had he with these fresh forces made a new assault upon the king's disordered and tired army, it might have gone far to have put an issue to the business.

Upon the news of this battle all countries were alarmed and frighted, being a strange thing in England.

From Aino, Octob. 27, the king sends a proclamation of pardon to the cities of London and Westminster, excepting only Fulke and Manwaring.

Banbury town and castle surrendered without blows to the

king; two foot regiments and a troop of horse there of the parliament's took up arms for the king, who now brought his whole army to Oxford; and thereby the error of the lord Say in not fortifying this place before, when it was in his power, for the parliament, was the more evident.

The king at Oxford.

Prince Rupert takes in the lord Say's house at Broughton, and made excursions near London, which caused the parliament to order Essex to bring his army near London for their safeguard: which he did, and was honourably received at Westminster, Novemb. the 7th, and presented with a gratuity of 5000*l.*, and a declaration of his valiant and acceptable service in the bloody battle of Edge-hill.

Essex.

The papists of Lancashire were allowed to bear arms, which in many protestants wrought a censure on the king for too much favouring and entertaining them in his army.

The parliament order that all apprentices who will list themselves in their army shall have their time of that service for their freedom: which brought many of them into their army. They also invite the Scots to come in to their assistance, which the king seeks to prevent, but in vain.

Prince Rupert ranged abroad with great parties, who committed strange insolences and violences upon the country. At Ailesbury he failed of his design by the care and stoutness of colonel Bulstrode, governor there.

The king takes a resolution, and not without grounds of
65 reason, to advance to London, and all his army marcheth to Reading, Henley, and those parts; prince Rupert's brigade quartered at Henley, and of them a regiment of horse at my house at Fawley-court.

Sir John Biron and his brothers commanded those horse, and gave order that they should commit no insolence at my house, nor plunder my goods; but soldiers are not easily governed against their plunder, or persuaded to restrain it; for there being about 1000 of the king's horse quartered in and about the house, and none but servants there, there was no insolence or outrage usually committed by common soldiers on a reputed enemy which was omitted by these brutish fellows at my house. There they had their whores with them, they spent and consumed 100 load of corn and hay, littered their horses with sheaves of good wheat, and gave them all sorts of corn in the straw: divers writings of consequence,

and books which were left in my study, some of them they tore in pieces, others they burnt to light their tobacco, and some they carried away with them, to my extreme great loss and prejudice, in wanting the writings of my estate, and losing very many excellent manuscripts of my father's and others, and some of my own labours.

They broke down my park pales, killed most of my deer, though rascal and carrion, and let out all the rest, only a tame young stag they carried away and presented to prince Rupert, and my hounds, which were extraordinary good. They eat and drank up all that the house could afford; broke up all trunks, chests, and places; and where they found linen or any householdstuff they took it away with them, and cutting the beds, let out the feathers, and took away the ticks. They likewise carried away my coach, and four good horses, and all my saddle horses, and did all the mischief and spoil that malice and enmity could provoke barbarous mercenaries to commit, and so they parted.

This is remembered only to raise a constant hatred of any thing that may in the least tend to the fomenting of such unhappiness and misery.

The king marched forward with his great army towards London, and the parliament having voted an address to him for peace, desired a safe conduct for the earls of Northumberland and Pembroke, and for Mr. Pierpoint, the lord Weenman, sir John Evelyn, and sir John Hippsley, to present their petition to his majesty. An address for peace.

But he excepted against sir John Evelyn, because he had proclaimed him traitor, which so irritated the houses, that they voted it a refusal of a treaty, and acquainted the city therewith.

But afterwards the petition was sent to the king at Colnebrook by the other commissioners without sir John Evelyn, and was to desire him to appoint his residence in some place near London, where the commissioners of parliament might attend him with propositions of a peace, and the king appointed his castle of Windsor for that purpose, and desired that the treaty might be speeded. Petition.

The commissioners of parliament being newly departed from the king, he was informed that Essex had drawn forth

his cannon and forces out of London, and was advised to take in Brentford; whither he advanced the same night.

There were quartered part of the regiment of colonel Hollis, who were very stout men, as appeared by the resistance which they made to the king's forces; and though many of them were slain, and divers driven into the river, and drowned, being mightily overpowered with numbers, yet they defended themselves, till the lord Brook's and Hampden's regiment came in to their relief: and when night came on, they quitted the town, and the king possessed it.

This being known to the parliament, Nov. 13, they sent a committee to the city to move them to send forth their trained bands the next day to join with Essex for defence of the city and parliament, against the king's forces at Brentford.

The city were in much trouble, and different opinions, but the lord mayor Pennington, and officers of the militia, named by the parliament, were so forward, that what was desired was resolved by the city.

General Essex was advised to order some of his horse and foot, to the number of about 3000, who then were quartered at Kingston, that they should march to Hunsloe, and be on that side of the king's army, and Essex with his party and the city forces to advance on the other side of them from London, and so the army of the king would be encompassed between these two strong parties of the parliament forces, which doubtless would have been a very great advantage to the parliament forces.

But Dalbier chiefly, and sir John Mayricke and others, gave contrary advice, which was followed, and the forces at Kingston commanded to march round about by London-bridge into London, and from thence to join with the parliament army; whereby they came late and tired when they were to have done service.

The city bands marched forth very cheerfully under the command of major-general Skippon, who made short and encouraging speeches to his soldiers, which were to this purpose:

Skippon's speeches.

Come, my boys, my brave boys, let us pray heartily and fight heartily; I will run the same fortunes and hazards with you; remem-

ber the cause is for God, and for the defence of yourselves, your wives, and children: come, my honest brave boys, pray heartily and fight heartily, and God will bless us.

Thus he went all along with the soldiers, talking to them, sometimes to one company and sometimes to another; and the soldiers seemed to be more taken with it than with a set, formal oration.

Beyond Hammersmith, in a lane, were placed the great guns, ready to be drawn up as there should be occasion, and a little beyond that were the carriages, in a field close to the highway, placed with great guards about them for their defence. The whole army was drawn up in battalia in a common called Turnham-Green, about a mile from Brentford. Turnham-Green. Essex had there a strong party of horse, stout men, well horsed and armed; sir Philip Stapleton's regiment and colonel Goodwin's regiments of horse had the van.

The other regiments of horse were placed on both wings, the foot of the army were in good plight, and well armed; and were placed in the body one regiment of them, and another of the city band, one by another, and some were left for reserves.

The order and marshalling of them was chiefly by the earl of Holland, who took great pains, and shewed good skill in martial affairs. With him were the earl of Northumberland and most of the lords who continued with the parliament, and divers members of the house of commons, and all were armed.

The general Essex likewise took great pains in the field, and, accompanied with the lords and commons with him, rode from regiment to regiment encouraging of them; and when he had spoken to them the soldiers would throw up their caps, and shout, crying, "Hey for old Robin!"

The whole army of horse and foot consisted of above 66
24,000 men, stout, gallant, proper men, as well habited and armed as were ever seen in any army, and seemed to be in as good courage to fight the enemy.

The general Essex and the lords and others with him, upon consultation together in the field, thought fit to command a party of two regiments of horse and four of foot to march about from the green by Acton, and so to get beyond the king's army, and upon a sign when they fell upon the

king's army on that side, Essex and his forces were to fall upon them on this side, and so to have them between both parties of their army.

Accordingly orders were given, and Hampden's regiment being one of that party which were to go about, I marched with them; they had the van next to the horse; and after we had marched about a mile on our way, and the enemy began to gaze on us, sir John Meyricke, major general to Essex, rode galloping after us.

When he had overtaken us, he told us, that the general had changed his resolution of dividing his forces, and had sent him expressly to command us to retreat back again to the rest of the army; at which we were exceedingly troubled, and wondered how this should come to pass that we should be recalled, and lose so great an advantage against the enemy, and it was feared that some who were false had given this advice to the general.

We all retreated according to command to Turnham-Green, where the whole army stood many hours in battalia, as the king's army had done, facing one another.

Whensoever either of them advanced towards the other, or that the soldiers shouted, then two or three hundred horsemen, who came from London to be spectators, would gallop away towards London as fast as they could ride, to the discouragement of the parliament's army, and divers of the soldiers would steal from their colours towards their home, the city.

It was then consulted whether the parliament army should advance, and fall upon the king's forces, which was the opinion of most of the parliament-men, and gentlemen, who were officers; but the soldiers of fortune were altogether against it; and while we were consulting, the king had drawn off his carriages and ordnance; and when every one spake his opinion, the general gave his orders as he thought best.

The city goodwives, and others, mindful of their husbands and friends, sent many cartloads of provisions, and wines, and good things to Turnham-Green, with which the soldiers were refreshed, and made merry; and the more, when they understood that the king and all his army were retreated.

The king's forces retreat.

Upon this was another consultation whether we should pursue them, which all advised, but the old soldiers of fortune, on

whose judgment the general most relied; and their reasons were, that it was too hazardous to follow the enemy, and honour and safety enough to the parliament that the king was retreated.

But some of the king's party did afterwards confess to me and others, that if we had fallen on them at this time, they had not bullet enough to have maintained fight for a quarter of an hour, but that in probability we had wholly broken them, and that this was the cause of their retreat. And God had a further controversy yet against us.

The king being marched away, the general gave orders for the citizens to go home, which they gladly obeyed; to return to their wives and families that night.

The king marched back to Colnebrook, from thence to Reading, and so to Oxford, his most convenient quarter.

This action of the king, in the time of a treaty, was so ill resented by many men, that they spake very hardly of it; and the parliament voted that they would have no accom- Vote.
modation. Yet upon a message from him, that he intended Message.
to march at such a distance from London as might take away all misapprehension, and not hinder the preparing of their propositions,

They again send a petition to him to desert his army, and Petition.
to return to his parliament. In the meantime letters from Letters in-
Holland to the king are intercepted, whereby notice is given tercepted.
him of store of ammunition and money sent to him from thence, and of an ambassador coming from Denmark to the king, and colonel Cockeram with him.

The earl of Newcastle in the north hath great forces for the king, and overpowered the lord Fairfax.

Norfolk, Suffolk, Essex, Hertford, Cambridge, and Ely, associate under the lord Grey of Warke, for the parliament. Winchester and Chester are gained by the parliament's forces.

Goring lands with the queen's standard, and store of officers and ammunition from Holland, and joins with Newcastle.

The city of London petition the king, professing their Petition.
grief for his distrust of them and their loyalty to him. He answers, that he hath a good opinion of many of them, and Answer.
could willingly pardon all, except Pennington, Ven, Fowke,

and Manwaring; and he threatens such as shall continue to assist his adversaries.

City. The city were put in heart again by the speeches of Mr. Pym and the committee of parliament to their common council, of the houses' love to the city, and resolution to live and die in their defence.

Sir Hugh Cholmley. In the north the parliament's forces prevail again; sir Hugh Cholmley defeats some of the enemies at Malton, and, Jan. 16, he and sir Matthew Bointon at Gisborough rout a party of 600, killed many, took fifteen prisoners, whereof their commander Slingsby was one, and 200 arms.

Sir Thomas Fairfax carries Leeds, and took there four colours, 500 prisoners, with much arms and ammunition; then Wakefield and Doncaster yield themselves to the parliament.

The earl of Newcastle draws down his forces towards York, to prepare for the queen's entertainment, and proclaims the lord Fairfax and sir Thomas Fairfax his son traitors, and the parliament did the like for the earl.

This lord Fairfax was my kinsman, and my very noble and kind friend: he himself would say that his name and mine were all one; his was French and mine was Saxon; that Fairfax in French was *Whitlocke*, or *fair hair*: he was a gentleman of a noble family, descended from the law, of a generous and courageous spirit, yet meek and civil, and not given to insulting.

In all the great transactions of the time I would never appear to be entirely of any faction or party, but followed the dictates of my own reason and conscience, and upon all overtures for peace I industriously laboured to promote them.

Propositions for peace. The parliament resolved to send some propositions to the king, and named their commissioners, two of the house of
67 lords, and four of the house of commons, to present their propositions to his majesty.

The lords were, the earl of Northumberland and the lord Say: the king refused to grant a safe conduct for the lord Say, because he had been proclaimed by him to be a traitor; so another was put in, and four lords and eight commoners named to carry the propositions to the king: and January 28 the king granted his safe conduct for them to come to him, which was in this form:

CHARLES REX.

Our will and pleasure is, and we do hereby straitly charge and command all the officers and soldiers of our present army, and all our ministers and subjects whatsoever, to permit and suffer our right trusty and right well beloved cousins and councillors, Algernoon earl of Northumberland, Philip earl of Pembroke and Montgomery, William earl of Salisbury, and Henry earl of Holland; our right trusty and right well beloved Thomas viscount Weenman, and Richard viscount Dungarnon, and our trusty and well beloved sir John Holland and sir William Litton, knights; William Pierpoint, Bulstrode Whitelock, Edmund Waller, and Richard Winwood, esquires; together with their servants, to pass and repass to and from us, they being sent to tender us propositions from our two houses of parliament. This our safe conduct, under our sign manual and privy signet, we charge and command them and every of them, punctually to observe and obey, as they will answer the contrary at their utmost perils. Given at our court at Oxford the 28th day of January, 1642. Safe conduct.

I upon all overtures for peace industriously laboured to promote them, and that might be some ground of my being so often employed by the parliament in their treaties.

After this safe conduct sent from the king, the parliament commissioners took their journey to Oxford; the commissioners were admitted by the lords, two with each lord in their coaches, which were with six gallant horses in every coach, and a great number of their servants on horseback to attend them.

In this equipage we came to Oxford, where the governor assigned us our quarters.

Some of the soldiers and of the rascality of the town, and others of better rank though of like quality, as we passed by, reviled us with the names of *traitors* and *rebels*, but we took no notice of them, only we acquainted some of the king's officers therewith, who seemed to be very angry at it.

We had our first access to the king in the garden of Christ Church, where he was walking with the prince, and divers of the lords attending him. All of us kissed his hand, not as we were ranked in the safe conduct, but according to our several degrees. Mr. Pierpoint before the knights, he being an earl's son, and Mr. Winwood before me, he being the eldest knight's son, and Mr. Waller was the last. The Treaty at Oxford.

king said to him, "Though you are the last, yet you are not the worst, nor the least in my favour."

The discovery of a plot then in hand in London to betray the parliament, wherein Mr. Waller was engaged with Challoner, Tomkins, and others, which was then in agitation, did manifest the king's courtship to Mr. Waller to be for that service.

After we had all kissed the king's hand, the prince gave us his hand to kiss.

The earl of Northumberland read the propositions to the king with a sober and stout carriage, and being interrupted by the king, he said smartly, "Your majesty will give me leave to proceed;" the king answered, "I, I," and so the earl read them all through.

Propositions.

The heads of the parliament's propositions to the king were,

To disband his army and return to his parliament, leave delinquents to trial, and papists to be disarmed.

To pass a bill for abolishing bishops, &c., and such other bills as should be presented for reformation, recusants to abjure papacy, to remove malignant councillors, to settle the militia, as the parliament desired, to prefer to offices such as the parliament should name, to take in all that were put out of commissions of the peace.

A bill to vindicate the lord Kimbolton and five members, to enter into alliance for the palatinate, to grant a general pardon, excepting Newcastle, Digby, and others.

To restore parliament members to their offices, and to restore their losses.

On the other side the king proposed,

The king's propositions.

That his revenue, magazines, towns, ships, and forts be restored.

That what hath been done contrary to law and the king's right may be recalled.

That all illegal power claimed or acted by orders of parliament be disclaimed. As the king will consent to the execution of all laws concerning popery or reformation, so he desires a bill for preserving the Book of Common Prayer against sectaries, that all persons excepted against in the treaty may be tried *per pares*, with a cessation of arms and for a free trade.

Thus way was made for a treaty, but nothing further done in it till 4 Martii after.

The queen landed with officers, money, and ammunition in

the north, and is conveyed to York, where she forms an army.

Massey attempting to storm Sudely castle was beaten off; he possesseth the garden, fires much hay and straw, and under the smoke thereof planted his ordnance so advantageously against it, that the besieged rendered it upon quarter, leaving their arms behind. Massey.

A few days after, prince Rupert, with 4000 horse and foot, marcheth by it to Cirencester, where the magazine of the county lay; this he took, putting the earl of Stamford's regiment and many others to the sword, took 1100 prisoners and 3000 arms.

These prisoners were led in much triumph to Oxford, where the king and lords looked on them, and too many smiled at their misery, being tied together with cords almost naked, beaten, and driven along like dogs.

Among them was a proper handsome man, of a very white skin, where it could be seen for the blood of his wounds; he not being able to go, was set naked upon the bare back of an horse, his wounds gaping, and his body smeared with blood; yet he sat upright upon the horse with an undaunted countenance, and when near the king a brawling woman cried out to him, "Ah you traitorly rogue, you are well enough served!" he, with a scornful look towards her, answered, "You base whore!" and instantly dropped off dead from his horse.

And the beginning of such cruelty by Englishmen towards 68
their countrymen was afterwards too too much followed.

Prince Rupert summons Gloucester, which Massey resolves to hold out; and the better to strengthen himself, deserts Sudely and other out-garrisons.

The Welsh army under the earl of Worcester and the lord Herbert his son, having beaten colonel Burrough's regiment, sit down before Gloucester, which they summoned, but Massey returned a scornful answer: colonel Fines came to him with 200 horse and dragoons, and not long after sir William Waller with his forces. The Welsh were routed, and the earl after five weeks' siege without any memorable action departed.

The Scots pass over the Tyne with a complete army into England, to assist the parliament. Their general was Lesley, Scots come in. Lesley

who had been an old commander in the service of the Swedes, where he had great and deserved reputation. He was a person of great worth and honour, not so good a clerk as a soldier.

Ireland. The pope sent into Ireland to encourage the rebels there, bestows upon them his fatherly benediction and plenary absolution.

The Germans received several defeats from the Swedes in Germany and from the French; and this year died the famous politician cardinal Richlieu, and not long after him his master Lewis the XIIIth, king of France, died in the midst of his Catalonian conquests, leaving his son Lewis the XIVth under the tuition and government of his mother the queen dowager, and of cardinal Mazarin, Richlieu's successor.

Richlieu dies.
Lewis the XIIIth dies.

Anno 1643. 19 Car. The nineteenth year of king Charles, 1643, begins with a treaty of peace between him and the parliament, who had named for their commissioners two lords, the earl of Northumberland and the lord Say, and four commons, Mr. Pierpoint, sir William Ermyn, sir John Holland, and myself.

Commissioners at Oxford. The king excepted against the lord Say, as before is mentioned, therefore he did not go, but the other five commissioners. The earl of Northumberland carried with him his own plate and household stuff, and accommodations even to wine and provisions, which were brought from London to us to Oxford, where we lived in as much height and nobleness as the earl of Northumberland used to do, and that is scarce exceeded by any subject.

The king used us with great favour and civility; and his general, Ruthen, and divers of his lords and officers, came frequently to our table, and we had very friendly discourses and treatments together. The king himself did us the honour sometimes to accept of part of our wine and provisions, which the earl sent to him, when we had any thing extraordinary.

The commissioners finding my pen useful in the service, put me upon drawing of all their papers to the king, which were transcribed afterwards by our secretaries.

Our instructions were very strict, and tied us up to treat with none but the king himself, whom we often attended at his lodgings in Christ Church, and had access at all times when we desired it, and were allowed by his majesty a very free debate with him.

He had commonly waiting on him when he treated with us, prince Rupert, the lord keeper Littleton, the earl of Southampton, the lord chief justice Banks, and several lords of his council, who never debated any matters with us, but gave their opinions to the king in those things which he demanded of them, and sometimes would put the king in mind of some particular things, but otherwise they did not speak at all.

We desired leave of the king to visit some officers of the parliament's army who were taken and then lay prisoners in the castle, captain Wingate, captain Austin, and others.

The king ordered Smith the marshal to bring us to the prisoners, and to be present whilst we spake with them, which the marshal did accordingly, and the prisoners took it kindly, and as a remembrance of them by the parliament that we came to visit them.

But we being seen with the marshal going to the castle, it was reported about the town that the treaty with the parliament was broken off, and the commissioners had so offended the king, that he had sent two of them, sir John Holland and Mr. Whitlocke, to the castle, and that they were seen in the marshal's custody.

In this treaty the king manifested his great parts and abilities, strength of reason, and quickness of apprehension, with much patience in hearing what was objected against him; wherein he allowed all freedom, and would himself sum up the arguments, and gave a most clear judgment upon them.

His unhappiness was, that he had a better opinion of others' judgments than of his own, though they were weaker than his own; and of this we had experience to our great trouble.

We were often waiting on the king, and debating some points of the treaty with him until midnight, before we could come to a conclusion. Upon one of the most material points we pressed his majesty with our reasons and best arguments we could use to grant what we desired.

The king said he was fully satisfied, and promised to give us his answer in writing, according to our desire, but because it was then past midnight, and too late to put it into writing, he would have it drawn up the next morning, (when he commanded us to wait on him again,) and then he

would give us his answer in writing, as it was now agreed upon.

We went to our lodgings full of joyful hopes to receive this answer the next morning, and which being given would have much conduced to a happy issue and success of this treaty, and we had the king's word for it, and we waited on him the next morning at the hour appointed.

But instead of that answer which we expected, and were promised, the king gave us a paper quite contrary to what was concluded the night before, and very much tending to the breach of the treaty. We did humbly expostulate this with his majesty, and pressed him upon his royal word, and the ill consequences which we feared would follow upon this his new paper.

But the king told us he had altered his mind, and that this paper which he now gave us was his answer, which he was now resolved to make upon our last debate. And we could obtain no other from him, which occasioned much sadness and trouble to us.

Some of his own friends, of whom we inquired touching this passage, informed us that after we were gone from the
69 king, and that his council were also gone away, some of his bedchamber (and they went higher) hearing from him what answer he had promised us, and doubting that it would tend to such an issue of the treaty as they did not wish; they being rather for the continuance of the war, never left pressing and persuading of the king, till they prevailed with him to change his former resolutions, and to give order for his answer to be drawn as it was delivered to us.

The treaty upon the king's propositions as well as upon ours going slowly on, and our instructions being strict, and such as we could not shew to the king when he desired it, he thought fit, Apr. 12, to send a message to the parliament, during the treaty to this effect:

Message. That as soon as he was satisfied in his first proposition, and as soon as the members of both houses should be restored, and that his majesty and both houses may be secured from tumultuous assemblies, (which, he conceived, could not otherwise be done but by adjourning the parliament to some place twenty miles from London, such as the houses should agree upon,) his majesty would consent to

the disbanding of the armies, and would return speedily to his parliament.

This being intimated to us, we dissuaded the sending of it, as that which we feared might break off the treaty, and the improbability that the houses would adjourn and leave the city of London, their best friends and strength, and put a discontent upon them.

Yet the king was prevailed with to send it: and upon the receipt of it by the houses they presently resolved to call away their commissioners, and sent their orders to us to return to the parliament, which we obeyed: and so this treaty, having continued from the 4th of March to the 15th of April, was now dissolved, and all our labours and hazards become fruitless and of no effect; and all good Englishmen, lovers of the peace of their country, were troubled and disappointed. Treaty breaks off.

The earl of Northumberland demeaned himself with much courage and wisdom, and was full of civility to the other commissioners; and the port we lived in at Oxford, by the earl's direction, and managed by his officers, was full of state and nobleness.

Mr. Pierpoint acted his part with deep foresight and prudence, and was exceeding courteous to his fellow-commissioners.

Sir William Ermyn was a gentleman of good understanding and conversation, and would give his opinion upon good reason.

Sir John Holland, a gentleman of excellent parts as well as person, shewed a very good judgment and testimony of his abilities.

I was put upon very much labour, and had both from the earl and the rest of the commissioners a great share of favour and respect.

When we were come to the parliament, we gave them a particular account of all our negotiation; wherewith they were so well satisfied that they ordered the thanks of the house to be given us, and by vote approved of all our proceedings.

The lord Brooke having seized the king's ammunition at Northampton, marched from thence to Warwick, and so to Stratford-upon-Avon, where he beat out of the town the forces of colonel Crocker and Wagstaffe; and coming to Litch- Lord Brooke.

field, the earl of Chesterfield and his forces left the town, and betook themselves to the close. But in the fight, one of his men shooting at the window of the lord Brook's chamber where his lordship was, the bullet pierced his eye, and my lord instantly died.

At which Brook's soldiers enraged, recollected themselves, renewed the fight, and took the close, with the earl and all his soldiers and ordnance.

E. Northampton. Shortly after the earl of Northampton with part of the king's army enters Litchfield, and drives the parliament's forces into the close; and sir John Gell and sir William Brereton coming with 3000 horse and foot to relieve them, were fought with and defeated, but the earl was slain in the head of his forces.

Afterwards prince Rupert fell upon the parliament's forces there under colonel Russel, who rendered the place upon honourable conditions.

April 17. General Essex sat down before Reading, where he made two attempts, and was beaten off.

The king marched from Oxford to Wallingford to relieve Reading, and Essex's forces increasing they worsted and killed many of the king's party at Cavesham; and they furiously playing upon the town, Fielding the lieutenant-governor (sir Arthur Aston being hurt with the fall of a brick) surrendered the town to Essex.

Fielding for this was sentenced by a council of war to lose his head, but was afterwards pardoned.

May 3. Cheapside cross and other crosses were voted down. The queen was voted a traitor for raising arms against the parliament. She met the king at Edge-hill with 3000 foot, 30 companies of horse and dragoons, 6 pieces of cannon, &c.

Monsieur Harcourt came ambassador from France to mediate an accommodation, but effected nothing. The king drew to his assistance the Irish; and the parliament brought in

Covenant. the Scots, to whom they swore the solemn league and covenant for the preservation and reformation of the protestant religion, and extirpation of popery and prelacy, with all superstitions, heresies, and profaneness.

This was long debated in the house of commons whether the members of parliament should take it or not, and carried in the affirmative, and those looked upon as ill affected who

were backward to take it; and after that, upon a new and great debate, it was ordered to be taken by all persons in the city and country; and those who were known to refuse it were branded with the mark of malignancy.

Sir Ralph Hopton at Launceston drove back Chidley and his forces, but by a panic fear, in a tempestuous night, they fled back to Launceston; yet shortly after they defeated the parliament forces. Chidley revolts to the king, and defeated the Cornish.

May 27. The parliament forces gained a victory at Wakefield against the king's forces.

Colonel Nathaniel Fiennes discovered a plot of Yeoman's and others to betray Bristol to the king, for which they were sentenced by a council of war to be hanged; and though the king wrote to the magistrates, and general Ruthen to colonel Fiennes the governor, to spare their lives, yet they were executed.

In the end of this month of May died Mr. John Pym, that eminent active member of the house of commons; and it was believed that the multitude of his business and cares did so break his spirits and health that it brought his death. Pym dies.

June began with the arraignment of Waller (a member of the house of commons), Tomkins, Challoner, and others, for conspiring to surprise the city militia and some members of parliament, and to let in the king's forces to surprise the city and dissolve the parliament. 70

Waller, a very ingenious man, was the principal actor and contriver of this plot, which was in design when he and the other commissioners were at Oxford with the parliament's propositions. And that, being then known to the king, occasioned him to speak the words to Waller when he kissed his hand, "Though you are the last, yet you are not the worst, nor the least in our favour," as is before remembered.

When he was examined touching this plot, he was asked whether Selden, Pierpoint, Whitlocke, and others by name, were acquainted with it: he answered, that they were not; but that he did come one evening to Selden's study, where Pierpoint and Whitlocke then were with Selden, on purpose to impart it to them all: and speaking of such a thing in general terms, those gentlemen did so inveigh against any such thing, as treachery and baseness, and that which might be

the occasion of shedding much blood, that (he said) he durst not, for the awe and respect which he had for Selden and the rest, communicate any of the particulars to them, but was almost disheartened himself to proceed in it.

Waller. They were all, upon their trial, condemned: Tomkins and Challoner only were hanged: Waller had a reprieve from general Essex, and after a year's imprisonment he paid a fine of ten thousand pounds, was pardoned, and travelled into France.

The general Essex being about Thame ordered the Buckinghamshire forces to alarm the cavaliers. Some skirmishes passed between them. Rupert engageth their body in Chalgrave field, routs them, and takes captain Sheffeild and many other prisoners. Major Gunter was shot dead in the place,

Hampden. and Hampden wounded, whereof he died a week after.

Some had advised him not to go forth upon this party, he not being ordered to do it; but his mettle did put him forward, and his death ensued.

He was a gentleman of the ancientest extraction in Buckinghamshire, Hampden of Hampden; his fortune large, his natural abilities great; and his affection to public liberty and applause in his country exposed him to many difficulties and troubles, as in the business of the shipmoney, of the loan, and now in parliament, where he was a most active and leading member. He spake rationally and subtilly, and often proposed doubts more than he resolved. He was well beloved in his country, where he had a great interest, as also in the house of commons. He died lamented about the 24th of June, 1643.

In the west the parliament forces took in Taunton and Bridgwater. The synod of divines sat, but concluded upon nothing.

Germany. In Germany the protestant forces under the duke of Brunswick endeavoured to reduce Woolfenbuttel. Picolomini, for the emperor, enters the town and sets upon Brunswick, but was beaten, and lost 2000 men.

Lamboy, for the emperor, about Bohemia had his regiment defeated for want of good guards, and himself taken prisoner and sent to France, by count Guebiran, who for this service and taking of John de Wert received the marshal's staff.

Swedes. The Swedes, with 7000 fresh men, under Tortoison, enter

Germany, and did gallant service against the archduke Leopold. Picolomini marcheth against and brake through their left wing at Leipsic, and fell to plunder. The Swedes rally and turn upon the enemy, and they fly: six thousand of them seized never shot off.

The Swedes take Leipsic and besiege Friburgh, which is relieved by Picolomini, who upon this success took leave of the archduke and the emperor's service, and was entertained by the Spaniard. Swedes.

The French prospered in Catalonia.

June 16. The queen was brought to bed of a daughter at Exeter, named Henrietta Maria. Henrietta Maria.

The parliament, finding the great failure of justice for want of a great seal, voted, that if the lord keeper Littleton did not return with the great seal within fourteen days he should lose his place, and whatsoever should be sealed with that great seal afterwards should be void. Great seal.

By their order a new great seal was made; engraven on the one side, the picture of the house of commons, the members sitting; on the other side, the arms of England and Ireland.

Waller, with his whole army, was fought with by Greenville and Slanning at Lansdowne in the west. Greenville did gallant service, and was slain there; so was Leake, the lord Deincourt's son, with the enemies' colours about his arm; and many others of quality. Sir Will. Waller defeated.

On Waller's part the foot were dispersed and cut off, many officers and arms lost. Waller follows the king's forces, to whom Wilmot was sent with fifteen hundred horse: they both met at Rowndway Down, near the Devises in Wiltshire, where Waller's horse, upon a panic fear, fled, and left their foot to the mercy of the enemy, who slew a great number of them, and took many prisoners, four brass guns, ammunition, and baggage.

This caused a diminution of the former fame of Waller, which was raised up near to a competition or emulation with Essex himself, and caused some slackening of mutual succours and assistance, to the prejudice of their common cause. But after this defeat Waller posted up to London, where his person, being a man known to be of much honour and courage, silenced invectives against him, and made the better way for recruits for him.

During these actions of Waller, their general Essex writes to the parliament, to incline them to a peace with the king; at which some were displeased, and intimated the promoting of Waller in his place: but this was before they received the news from Rowndway Down of his defeat.

Hotham. In the north some difference had been between the lord Fairfax and sir John Hotham, who refused to submit to Fairfax, though general for the parliament in those parts; but Hotham was as high and morose as the other was meek and courteous. The parliament, hearing of this contest, intended to displace Hotham, which he discovering by letters that he intercepted began to have new designs.

His son, captain Hotham, being suspected by the parliament, was imprisoned at Nottingham; from whence escaping, he underhand treated with the earl of Newcastle, and coming to Hull, he and his father stood upon their guard.

The parliament, doubting the consequence hereof, sent sir Matthew Bointon with a commission to seize them both, and to be governor there; who not suspected by Hotham, being
71 his brother-in-law, had the more opportunity to tamper with the garrison and gain an interest with the soldiers, so that he gained them and the magazine.

Then sir John, too late seeing the design against him, fled to Beverley, where his own soldiers set upon him, and forced him back again to Hull, where he was taken by his brother sir Matthew Bointon; and with his lady, his son, and all his children, sent up prisoners to the parliament, and Bointon remained governor of Hull in his place.

This unfortunate gentleman had a good estate and interest, and was of a fair extraction in his country, yet his rough carriage, especially to his inferiors, his very narrow living, and the betraying of the trust committed to him, rendered him so distasteful to all sorts of people, that his masters (for whom he had done so great service in resisting the king at his first coming to Hull) they now cast him off; his soldiers (who had fought for him) now chase him away from them, and his brother-in-law supplants him, and sends him with his wife and children prisoners to the parliament. The exit of his scene in this tragic age follows in its order of time.

Bristol taken by Prince Rupert. Prince Rupert hovered long about Bristol, till finding by his correspondents (whereof he had many in the city) when it

was worst provided for resistance, he fell upon it, and colonel Nathaniel Fiennes the governor, after three days' siege, was forced to surrender it.

For which the governor was afterwards sentenced by a council of war to lose his life, but by general Essex he was pardoned, and gave off his military service.

The new great seal was at the first committed to the custody of the two speakers, to be made use of by the warrant of the houses, afterwards it was committed to the custody of two lords and four commoners, as commissioners, who had the authority of keeper of the great seal. Great seal.

The lords were the earls of Manchester and Bullingbrook; the commoners were Mr. Brown, Mr. St. John, Mr. Wilde, and Mr. Prideaux.

The courts of justice were not yet open, no practice for lawyers.

August 12. The earl of Lindsey being released from his imprisonment by the parliament, came to the king at Oxford, and was highly welcomed there; but the earls of Holland and Bedford found it otherwise to them.

For they about August 25, upon some distaste at the parliament, left them and got to Wallingford, where the governor Blagge received them with great shows of honour, and brought them from thence to the king at Oxford.

To him these lords professed their duty and allegiance, acknowledging their former errors, and promising wholly to desert the parliament, and to adhere to his majesty's interest. But not long after, finding less favour and respect to them from the king and his party than they expected, upon this new discontent, they found means again to quit Oxford, and to return to the parliament.

About the same time the earl of Clare left the parliament, and went to the king to Oxford; but finding such entertainment as Holland and Bedford had done, both from the king and those about him, he stoutly told the king, that he intended to return to his own house in Nottinghamshire, and prayed his majesty's leave for it. The king wished him not to go, but finding him resolute upon his journey, sent to have him stopped; but in the mean while the earl found means to pass the guards, and got home to Houghton, and from thence to the parliament.

It was said in drollery, that these three earls had much confirmed others to continue with the parliament; for they having tried both parties, found it by experience that this was the best to be in, and to adhere unto.

A book set out by Saltmarsh, a minister, gave distaste to sober men, by these, among other his counsels:

1. That all means should be used to keep the king and his people from a sudden union.

2. To cherish the war under the notion of popery, as the surest means to engage the people.

3. If the king would not grant their demands, then to root him out, and the royal line, and to collate the crown upon somebody else.

Some excepting against this in the house of commons,
H. Martyn. Mr. Henry Martyn said, he saw no reason to condemn Mr. Saltmarsh, and that it were better one family should be destroyed than many.

Sir Nevil Poole moved that Mr. Martyn might explain what one family he meant. Who boldly answered, "The king and his children." Upon this some of the members urged against his lewdness of life, and the height and danger of these words: and divers speaking sharply against Mr. Martyn, he was committed to the Tower, but shortly after released, and readmitted to his place in parliament.

Sir Edward Coniers is removed from his place of lieutenant of the Tower, and the charge thereof given to the lord mayor Pennington. The parliament's commissioners in Scotland send word of a fair correspondence with the state there, and their readiness to comply with the parliament; in order to which, they had sent from them the form of a covenant to be taken by both nations.

This the parliament refers to the assembly of divines, then sitting, for their advice in it. Sir John Evelyn of Wilts had writ a letter from the earl of Northumberland's house at Petworth to sir John Evelyn of Surrey, which being intercepted, and suspicious, both of them, being members of the house of commons, were imprisoned.

Both houses passed an ordinance, August 28, for demolishing and removing all monuments of idolatry and superstition out of all churches and chapels in England and Wales.

Divers members of both houses, whereof I was one, were

members of the assembly of divines, and had the same liberty with the divines to sit and debate, and give their votes in any matter which was in consideration amongst them: in which debates Mr. Selden spake admirably, and confuted divers of them in their own learning. Selden.

And sometimes when they had cited a text of scripture to prove their assertion, he would tell them, "Perhaps in your little pocket Bibles with gilt leaves" (which they would often pull out and read) "the translation may be thus, but the Greek or the Hebrew signifies thus and thus;" and so would totally silence them.

The lord Willoughby of Parham had done very considerable service for the parliament in Lincolnshire, and manifested as much courage and gallantry as any man in their service. He had taken in Gainsborough, and divers prisoners there, among whom was the earl of Kingston, who with the rest being sent by water in a close boat towards Hull, Earl of Kingston.

A party of cavaliers, as they passed by, called to the boat to stay, and because they did not, the cavaliers shot at them, and the earl with his man, and no other in the boat, were slain by their own friends. 72

The lord Willoughby kept the town afterwards against the earl of Newcastle's forces, till, overpowered with numbers, he was forced to surrender it upon honourable conditions.

Colonel Cromwell gave assistance to the lord Willoughby, and performed very gallant service against the earl of Newcastle's forces. This was the beginning of his great fortunes, and now he began to appear to the world. Cromwell.

He had a brave regiment of horse of his countrymen, most of them freeholders, and freeholders' sons, and who upon matter of conscience engaged in this quarrel, and under Cromwell.

And thus being well armed within, by the satisfaction of their own consciences, and without, by good iron arms, they would as one man stand firmly and charge desperately.

The parliament ordered recruits for the lord Willoughby and for Cromwell, and both of them became in the parliament's favour.

Gloucester was the general subject of discourse: the king was set down before it with his whole army: the governor Massey not only refuseth upon his majesty's summons to Gloucester. Massey.

render the city to him, but sallies forth upon some of their quarters, and did cut off 300 of their men.

A conspiracy of the macebearer and others, to kill the governor and chief military officers, was discovered, and the betraying of the town prevented, some of the conspirators being executed.

General Essex advanced with his whole body from Aylesbury towards Gloucester, Aug. 29. The enemy made a breach in the outworks, and some assaults, but was gallantly repulsed. The king drew his forces from Exeter and the west to the siege of Gloucester; yet the besiegers were very doubtful whether to continue or raise the siege.

Warwick castle held out against the king's forces, and colonel Bridges, the governor, acquitted himself with much honour. The earl of Denbigh was made major general of Coventry and some part adjacent.

The lord Gray and colonel Harvey with their parties, and many volunteers, joined with general Essex in his advance for the relief of Gloucester. At Plymouth, Mr. Alexander Carew, a member of parliament, and governor of the island there, had a design to betray the town and island to the king.

But his own soldiers discovering it seized upon their governor, to send him up to the parliament; and the women were so enraged against him for his perfidiousness, that it was difficult to rescue him from their execution.

Members disabled.

The house by vote disabled him from being a member; and the like they did for sir John Harrison, sir Henry Anderson, and Mr. Constantine, of whom they were informed that he designed to betray Poole into the king's hands.

And these and divers other members of the house being disabled, and the new great seal finished, they ordered that new writs should be issued forth to the several places for which they served, to choose new members in their room.

Sir Edward Bainton, another member who deserted the parliament, and went to the Isle of Wight, where he spake opprobrious words against them, was put in prison.

The town of Lyn in Norfolk declaring for the king, the earl of Manchester with three thousand horse and fifteen hundred foot draws to them, and blocks up the passages to them by land: the earl of Warwick did the like by sea.

General Essex made the slower marches towards Gloucester, being forced to keep his army together in a continual posture of defence, for he was daily skirmished with by the lord Wilmot, who attended all his removes with a body of two thousand and five hundred horse.

His majesty understanding that Essex advanced apace towards the relief of Gloucester, sent to him a trumpet, with some propositions to be treated on.

But Essex, too much acquainted with such small designs to hinder his march, returned a speedy answer, That he had no commission to treat, but to relieve Gloucester, which he was resolved to do, or to lose his life there. And his soldiers hearing of a trumpeter come with propositions to treat, they cried out for a long time together with loud acclamations, *No propositions! No propositions!* and so the trumpeter was dismissed. Gen. Essex.

The ordinances for the covenant and for the excise were at a conference delivered to the lords, as having passed the house of commons; the covenant was read to the lords, with the explanation upon it, and the fifth article, touching the pacification, omitted, and Ireland added. Covenant.

The ordinance for the excise, with some amendments of the former, was read to the lords, and their concurrence to both desired, which was given by them the next morning.

Sir John Hotham and his son were examined in the house touching their treasons, and committed to the Tower.

Sir William Brereton took Eccleshal castle, and defeated a party of the lord Capel's forces under colonel Hastings. Two of the city regiments were ordered to march out and join with sir William Waller; the major general of his army was colonel Potley, an old soldier under the king of Sweden, Gustavus Adolphus. Col. Potley.

He was of such repute with that crown, that when he took his leave of them to come for England, the chancellor Oxenstierne, by command of the senators when they all sat in council, sent for this colonel to come in to them, and told him, that he having been an ancient servant to that crown, and who had done gallant service for them, they held him in the rank of their children, and therefore, by command of the senate, he put about the colonel's neck a rich gold chain,

with a medal of the late king his master, to wear in memory of him.

He told him that the senate had ordered two thousand dollars to defray his expenses, and four thousand dollars to bear his charges to his own country, and to keep him still a servant to that crown; and that he might eat of their bread as long as he lived, they had given him a pension of two thousand dollars per annum during his life.

Gloucester relieved.

Essex proceeded in his march to Gloucester, and when the enemy fell upon any of his companies, (as they often did,) Essex relieved them, fought with his enemies, and made his way through them. The king understanding his near approach to Gloucester, and finding his own soldiers not forward to fight Essex, as the king intended, he upon Sunday and Monday, the third and fourth of September, drew off his carriages, and removed the siege: and on Tuesday morning,
73 Septemb. 5, 1643, went over Severn with all his army, the way to Bristol. Essex came to Gloucester, Septemb. 6, and sent four regiments, who entered the town, and himself the next day finding the siege totally raised, he sent three thousand horse to attend the king's march, and keep his forces in a body, that they might not plunder the country, or else to fight them.

Upon the coming of the earl of Newcastle towards Beverly, the lord Fairfax finding the town not tenable, and the inhabitants ill affected to the parliament, drew off all the carriages and soldiers from thence to Hull, and Newcastle entered and possessed Beverly.

The mayors of Barnstable and of Bidiford in the west betrayed these towns to the lord Digby's forces.

Judge Berkley sentenced.

The lords sentenced judge Berkley to pay twenty thousand pounds fine, and to be disabled from bearing any office in the commonwealth, for his judgment in the business of ship-money.

The lord Maitland, Mr. Henderson, and another Scots commissioner, with Mr. Hatcher and Mr. Nye, arrived in London; and their letters of credence from the states of Scotland were read to the lords and commons, with the readiness of the Scots to assist the parliament.

This business was referred to a committee of both houses,

to treat with the Scots commissioners upon their propositions, and at two meetings all was agreed.

The lords assented to the covenant with the alterations made by the commons, and the Scots commissioners assented to them likewise.

The king sent his proclamation to Scotland, forbidding them to treat any further with the parliament of England, or to give them any assistance.

Newcastle's forces from Beverly quartered about three miles distance round on the land's side of Hull, upon whom sir Thomas Fairfax made a sally out of Hull, killed many, and took fifty prisoners.

I was in the chair of a committee to treat with the merchant adventurers (with whose business I was well acquainted) about confirming some of their patents and their loan of 60,000*l.* to the parliament.

The town of Portsmouth petitioned that sir William Waller might be their governor, and it was left to the general Essex to give him a commission accordingly.

The speaker acquainted the house with letters he received from France, that an army of twenty thousand was ready at St. Maloes to be shipped for Bristol, to assist the king.

The news of the king's raising the siege of Gloucester occasioned various discourses of that action; all men, both friends and enemies, agreed, that Essex herein performed a very gallant soldierlike action: and most men were of opinion, that when the king went to Gloucester, if he had marched up to London, he had done his work.

For at that time the parliament had no considerable body of an army, and their party in some divisions: but by the time of the king's march and stay at Gloucester they had recruited their army, provided money, and pieced up their discontents among themselves.

The city of Exeter having held out three months' siege for the parliament, their powder and provisions failing them, surrendered to the king's forces upon conditions, which were broken by the enemy, as those at Bristol were.

Both houses ordered supplies for Gloucester; Essex followed the king, and sends for sir William Waller to hasten to him.

At Cirencester, Essex beat up the king's quarters, drove sir Nicholas Crispe and colonel Spencer out of the town, with

their two regiments of horse, and took thirty cart-loads of victuals, and about 4000 horse.

Captain Brooke being discovered by his mariners to have a design to betray the ship which he commanded to the king, the seamen clapped their captain under deck, and discovered his plot to the earl of Warwick their admiral.

Lyn in Norfolk was surrendered to the earl of Manchester.

There was a skirmish between the king's and Essex's horse near Hungerford in Berkshire, about eighty on both sides slain; of the king's part, the marquis Delavive: Essex surprised a troop of the king's horse, and that night quartered at Hungerford; the marquis's corps was brought into Hungerford, and afterwards ransomed by the king's party for 500 pieces.

Sept. 19, Essex marched toward Newbury, his army in great want of victuals, both for men and horse; to whom the country thereabouts was ill affected, and would bring in nothing to them without compulsion.

The whole body of the king's army had possessed themselves of the town of Newbury; on their right hand they had the advantage of the river, and a hill half a mile from the town, where they had planted their ordnance, so that there was no passage to them, but with great disadvantage, and by a narrow lane.

Newbury fight.

Yet Essex finding his soldiers full of mettle, and resolved to force their way, he in person led them on, first charged the enemy with his own regiment, and the lord Roberts's brigade of horse, and began the fight about six o'clock in the morning, Sept. 20, which continued with very hot service till ten or eleven o'clock at night.

The parliament forces beat the enemy from all their advantages, got the hill from them, pursued them to Newbury, and out of the town again, but the night coming on, they no further could pursue them; and though the king's forces (especially the horse, which consisted most of gentlemen) made gallant resistance, yet this place not being proper for their fight their foot were thus beaten, and in the night they drew off their ordnance, and marched away, leaving Essex master of the field, who kept it that night and part of the next day.

When night drew on, the enemy, both horse and foot,

stood in good order on the further side of the green where they fought, and the parliament's forces expected they would have engaged them the next day, but the king's forces drew off by night.

The parliament soldiers had the pillage of the dead bodies; both parties performed their service with great manhood and animosity, especially the king's horse, who yet were worsted; and the earls of Caernarvan and Sunderland, who commanded part of them, were slain in the fight.

Lord Falkland.

The lord Falkland, secretary of state, in the morning of the fight called for a clean shirt, and being asked the reason of it, answered, that if he were slain in the battle they should not find his body in foul linen.

Being dissuaded by his friends to go into the fight, as having no call to it, and being no military officer, he said he was weary of the times, and foresaw much misery to his own 74
country, and did believe he should be out of it ere night, and could not be persuaded to the contrary, but would enter into the battle, and was their slain.

His death was much lamented by all that knew him, or heard of him; being a gentleman of great parts, ingenuity, and honour, courteous and just to all, and a passionate promoter of all endeavours of peace betwixt the king and parliament. From the time of Essex's remove from quarters at a village called Chilton near Hungerford to the end of this Newbury fight, there were of the king's part slain above 2000, besides the three lords, and divers other officers of note.

On the parliament's part were slain about 500, colonel Tucker, and the lieutenant-colonel of Essex's regiment, and one captain more of horse: in this service the London regiments did their parts with much courage and gallantry.

Essex advanced from Newbury towards Reading to refresh his men, and no enemy appeared till they came to Theale, a village four miles from Reading, where a party of the king's horse fired upon the rear of Essex's army as they marched up a lane near to Theale; and they had a hot skirmish for the time; about sixty of the king's horse were slain, and about eight of the parliament's; the rest of the king's party retreated, and the parliament forces took up their quarters at Reading.

The lords and commons sent a committee to their general

at Reading to compliment him, and congratulate his great successes, and to inform themselves what supplies were wanting for the army, that they might be speedily provided.

They sent another committee to acquaint the city with the happy success of the army under general Essex, and to treat with them about supplies of money, ammunition, and other necessaries to be forthwith sent down to the army.

They also took order to stop the passes between London and Oxford, to prevent the king's intelligence, and supplies of money and ammunition, whereof they understood he was in great want.

Sept. 25. Both houses, with the assembly of divines and Scots commissioners, met in St. Margaret's church, Westminster, where Mr. White, one of the assembly, prayed an hour to prepare them for taking the covenant; then Mr. Nye in the pulpit made some observations touching the covenant, shewing the warrant of it from Scripture, the examples of it since the creation, and the benefit to the church.

Covenant.

Mr. Henderson, one of the Scots commissioners, concluded in a declaration of what the Scots had done, and the good they had received by such covenants; and then he shewed the prevalency of ill counsels about the king, the resolutions of the states of Scotland to assist the parliament of England.

Then Mr. Nye in the pulpit read the covenant, and all present held up their hands in testimony of their assent to it; and afterwards, in the several houses, subscribed their names in a parchment roll, where the covenant was written: the divines of the assembly and the Scots commissioners likewise subscribed the covenant, and then Dr. Gouge in the pulpit prayed for a blessing upon it.

The house ordered the covenant to be taken the next Lord's day by all persons in their respective parishes, and the ministers to exhort them to it.

The general, with the lord Gray, sir Philip Stapleton and others, came to London, and the army removed to Windsor, and thereabouts. Sir William Waller's forces quartering at Colnebrook, Stanes, and thereabouts.

General Essex.

The house of commons with their speaker went to Essex-house, to congratulate the general's safe return to them, and his happy success and valour in the late business at New-

bury: and caused their acknowledgment thereof, and of their protection by him under God, to be entered in the journal book of the parliament.

The lord mayor and aldermen of London waited in their scarlet gowns upon the general, and highly complimented him as the protector and defender of their lives and fortunes, and of their wives and children, and the trained bands sent out as he passed by loud acclamations of his praise.

In human probability the king's army was the more likely to have prevailed, their horse more and better than the parliament's, and their foot near as good, their advantages greater, and their courages higher, and their confidence too much.

God was pleased to raise the courage of the parliament's forces, and to give them the success; and indeed all success in war, as well as in other matters, is the free gift of the Lord of Hosts.

Essex and his soldiers acknowledged much gallantry and courage in those of the king's party, and the king's party acknowledged the like of Essex and his soldiers; all were Englishmen, and pity it was that such courage should be spent in the blood of each other.

A passage or two I shall here remember of extraordinary mettle and boldness of spirit. One is of sir Philip Stapleton, (though he would not acknowledge it,) that he being with other parliament commanders in the head of a body of horse, facing another body of the king's horse, before whom stood their commanders, and the chief of them was prince Rupert. Sir Philip Stapleton.

This parliament officer, desiring to cope singly with the prince, rode from before his company up to the body of horse, before whom the prince with divers other commanders were, and had his pistol in his hand ready cocked and fitted.

Coming up to them alone, he looked one and another of them in the face, and when he came to prince Rupert, whom he knew, he fired his pistol in the prince's face, but his armour defended him from any hurt; and having done this, he turned his horse about, and came gently off again, without any hurt, though many pistols were fired at him.

Another passage was of sir Philip Stapleton's groom, a Yorkshireman, and stout, if not too rash, by this story. He was

attending on his master in a charge, where the groom's mare was killed under him, but he came off on foot back again to his own company. To some of whom he complained that he had forgotten to take off his saddle and bridle from his mare, and to bring them away with him; and said that they were a new saddle and bridle, and that the cavaliers should not get so much by him, but he would go again and fetch them: his master and friends persuaded him not to adventure in so rash an act, the mare lying dead close to the enemy, who would maul him if he came so near them; and his master promised to give him another new saddle and bridle.

But all this would not persuade the groom to leave his
75 saddle and bridle to the cavaliers, but he went again to fetch them, and stayed to pull off the saddle and bridle whilst hundreds of bullets flew about his ears, and brought them back with him, and had no hurt at all.

The lord Grey of Groby, sir Philip Stapleton, and divers other members of the house, and divers officers of the army, received the thanks of the house, for their good service done in the late Gloucester journey, and fight at Newbury, and this to be entered in the parliament journals, for an honour to them and their posterity.

Amongst the colours taken at Newbury one cornet was the figure of the parliament house, with two traitors' heads standing on the top of it, and by them, this word, *Ut extra, sic infra;* but the parliament nevertheless exposed them to public view and censure.

The commons ordered a declaration upon a bull from the pope intercepted, which was to encourage the Roman catholics in Ireland to a rigorous prosecution of the war for the king against the parliament.

Some discontents had been between the earl of Essex and sir William Waller, which upon a conference with a committee of both houses, and a letter from Waller to Essex, were made up again, and the general, of a good nature, declared himself to be fully satisfied.

The commons borrowed 30,000*l.* of the merchant adventurers to supply the navy, and took up other large sums for supply of the armies.

They passed a declaration against the cessation of arms then

in treaty between the king and the Irish rebels, but the same was brought to a conclusion, and many of the Irish came in to the king's service here.

This gave occasion for many invectives and pasquils, That the queen's army of French and Walloon papists, and the king's army of English papists, together with the Irish rebels, were to settle the protestant religion and the liberties of England. Pasquils.

The charge against archbishop Laud was referred to a committee, to be drawn up and presented to the commons, and the committee to manage the evidence at the trial against the archbishop. Laud.

Of this committee I was one, and particularly summoned to attend that business, which I declined, and gave my reasons to Mr. Miles Corbett, the chairman of that committee, why it was not fit for me to appear in it against one to whom I had been beholden for my education.

But this would not satisfy Mr. Corbett, but still he pressed me and sent for me to come, and attend that committee, but I absolutely refused it.

This so displeased Mr. Corbett, that he acquainted the house with my neglect, and moved them earnestly that I might be required by their order to attend the service of that committee, and to be one of those that should manage the evidence against the archbishop.

This was moved when I was in the house, and upon this alarm I held it fit for me to make my apology, and endeavour to be discharged from that employment, by urging that the archbishop did me the favour to take a special care of my breeding in St. John's college in Oxford, and that it would be disingenuous and ungrateful for me to be personally instrumental to take away his life, who was so instrumental for the bettering of mine.

Upon which the house discharged me from this employment, at which Mr. Corbett had some regret.

The earl of Ormond concluded the cessation of arms with the Irish rebels, and divers of them under colonel Ernely came over hither to serve the king. Ormond.

The earl of Crauford for the king sought to gain the town of Poole by treachery, and dealt with captain Sydenham, one of the garrison, who promised to do his work, and re- Poole.

ceived of him 40*l.* and a promise of a great reward and preferment.

At an hour appointed, Crauford comes to the town with 500 horse and some foot. Sydenham and the governor, whom he acquainted with it, let in Crauford and half his men into the town, and then, letting fall a chain, shut out the rest: few escaped of those who entered the town, but were killed or taken prisoners.

Dr. Featly. A letter from Dr. Featly to Oxford was intercepted, wherein he held correspondence with them, and fished for preferment from them, and the Dr., being a member of the assembly of the divines, was for his infidelity discharged of his attendance on the assembly, and of his two parsonages.

Sir Nic. Crispe. Sir Nicholas Crispe upon a quarrel and affront offered to him in his own quarters by sir James Ennyon, who challenged him also to fight, killed Ennyon, but was acquitted for it by the king's council of war.

Mr. Walter Mountague was apprehended at Rochester, coming up towards London in a disguise, and letters of consequence taken about him.

The commons ordered wood to be cut in the king's lands, and of bishops and delinquents, near London, for supply of fuel for the city. They ordered copes and surplices to be taken away out of all churches.

French ambassador. Monsieur de Cressey came over ambassador from the French king to the parliament, and was received with all due respect by a committee of lords and commons at Gravesend, and conducted to the parliament.

The commons provided money for the advance of the Scots army from the city of London.

The French ambassador demanded the enlargement of Mr. Walter Mountague, as one employed hither by the king of France, but it was denied.

The cavaliers plundered and burnt part of Wokingham, and quarter near Reading upon design to fortify it, and summon the country for that end.

The parliament made some orders for several regiments to march out, and for money, which was wanting for Essex's army, and for sir William Waller's forces, who also desired more power than his present commission from Essex allowed him.

The earl of Manchester having settled Lyn, marched with his army into Lincolnshire, where he joined with the lord Willoughby of Parham, sir Thomas Fairfax, and colonel Cromwell's forces, and all together made up a very considerable army. Manchester

Upon his desire the parliament gave him power to levy moneys out of the sequestered estates in the associated counties, towards payment of his army. They also sequestered the estates of such members of both houses as had deserted the parliament, or were in actual war against them.

By letters intercepted, it appeared that by authority from the pope a new popish hierarchy by bishops &c. was to be set up in all counties in England, with letters sent to Rome about the same matter.

A minister was voted out of his living, for that he constantly prayed for the Irish rebels by the name of his majesty's catholic subjects. Another for preaching that the king was above the law, and all those to be rebels and traitors that obey not his verbal commands in all things though never so opposite to law and justice, and many others *ejusdem farinæ*, for scandal in their lives and doctrine. Ministers. 76

Upon letters from colonel Massey of a design of the enemy to take up their winter quarters near Gloucester, the more to distress it, they order supplies to be sent him.

Dr. Usher, primate of Armagh, now at Oxford, was voted out of the assembly.

The earl of Manchester, with the lord Willoughby and Cromwell's forces, gave a defeat to the lord of Newcastle's forces at Hornecastle in Lincolnshire, killed 500 of them, took 1500 horse, and 800 prisoners, and thirty-five colours.

The king's forces took Dartmouth, which occasioned the parliament to send forces to the Isle of Wight.

The French ambassador complained that his person was stopped, and his coach searched as he went out of town towards Oxford. The captain of the guard being examined, justified it, upon notice he had of letters conveyed by the ambassador to the enemy; and it was passed over with a fair excuse to the ambassador. French ambassador.

Massey defeated a party of the king's forces coming to fortify Tewkesbury for their winter quarters, killed about 300, took many prisoners, with 500 arms.

Colonel Bridges, governor of Warwick, with a party from thence, defeated a regiment of horse under the lord Molyneux for the king, killed divers, took 100 horse, and many prisoners.

The commons passed sundry ordinances for raising moneys out of delinquents' estates, and Newcastle coals, to satisfy those who had lent moneys for advance of the Scots army into England. And for apprehending all for spies who shall come from Oxford, or any of the king's forces, to any of the parliament quarters, without license from either house or from the general.

A proclamation was published in London for all officers and soldiers forthwith to repair to their colours.

Colonel Urrey, who revolted from the parliament, and sir Lewis Dives, with a great party of horse, entered Bedford, took sir John Norris and others prisoners there, and routed 300 of their horse, and sufficiently plundered the town, and other parts of that county.

The lord Fairfax beat from about Hull part of the king's forces, took from them nine pieces of cannon, of which one was a demiculverin, one of those which they called *the queen's gods*, and 100 arms. Baron Trevor was sentenced in the house of lords, for his extrajudicial opinion in the case of shipmoney, to pay 6000*l.* fine, and be imprisoned during pleasure.

Colonel Cromwell routed seven troops of the king's horse in Lincolnshire under colonel Hastings.

Proclamations. The king sets forth a proclamation for prohibiting the monthly fast to be kept; the parliament declare against that proclamation, and against another for adjourning part of Michaelmas term to Oxford, and held it at Westminster. The estates of Scotland declare against the cessation of arms made with the Irish rebels, and the adventurers' petition against it.

Letters of mark are granted by the parliament against all such as have taken arms against the parliament, or assisted the Irish rebels.

A collection was ordered for the maimed and sick soldiers. The earl of Manchester took in Lincoln upon surrender, and therein 2500 arms, thirty colours, three pieces of cannon.

The parliament's commissioners being returned from Scot-

land, sir Henry Vane, junior, one of them, made report of all that affair to the house.

General Essex marched forth to his army to Windsor, and from thence to St. Alban's, whither a gallant regiment of the city under the command of colonel Rowland Wilson came to him, and a commanded party was sent out of that and other regiments to Newport Pannel, to dispossess the king's forces there.

This gentleman, colonel Wilson, was the only son of his wealthy father, heir to a large estate of 2000*l.* per annum in land, and partner with his father in a great personal estate employed in merchandise; yet in conscience he held himself obliged to undertake this journey, as persuaded that the honour and service of God, and the flourishing of the gospel of Christ, and the true protestant religion, might in some measure be promoted by this service, and that his example in the city, of undergoing it, might be a means the more to persuade others not to decline it.

Upon these grounds he cheerfully marched forth with a gallant regiment of the city, which, as I remember, was called *the orange regiment;* and went from the army with the commanded party sent for the reducing of Newport Pannel.

This was the condition of this gentleman, and of many other persons of like quality and fortune in those times, who had such affection for their religion, and the rights and liberties of their country, that *pro aris et focis* they were willing to undergo any hardships or dangers, and thought no service too much or too great for their country; but what requital (if they had done it for a requital) their country gave them, you will find afterwards in the story.

When the parliament forces came before Grafton-house and Newport Pannel, after the loss of a few men, and no long attendance, the king's forces thought it most wisdom for them to retire, which they did, and quitted the house and town, hastening away to Oxford: and Essex thought fit to fortify the town for a winter quarter.

Twyford and Okingham were plundered by the king's forces, and then the poor inhabitants could not prevail with the insolent soldiers but that they burned many of their

houses, affirming they had orders for it from the king's chief commanders.

At Aulton, sir William Waller surprised 100 of the king's forces under colonel Bennet.

Some of the Irish landed at Bristol, to serve the king under the command of sir Charles Vavasour.

Colonel Henry Bulstrode being above sixty years of age, yet underwent the hardships and hazards of war in this cause, and was a discreet and stout governor of Aylesbury in his own country.

After him succeeded colonel Alderidge, whom the lord Biron sought by promises of reward and preferment to corrupt, to betray the town to the king's forces; but Alderidge preserved his fidelity, and prevented the design.

Commissioners for Scotland.

The commissioners to go into Scotland were named; the earl of Rutland, sir Henry Vane junior, Mr. Hatcher, sir William Armyn, and Mr. Darley.

The prisoners having great liberty, and many private consultations by the favour of the gaolers, the house made an order against it, upon pain of an escape in the gaoler that should permit it.

They also took care for the relief of sick and maimed
77 soldiers, and of the widows and orphans of those who were slain in the parliament's service.

Mr. Chute and Mr. Hern were assigned to be of counsel with the archbishop in his trial, to be shortly had in the lords' house.

The earl of Warwick was made governor-in-chief of all the English plantations in America, and a committee to assist him.

The lord Willoughby of Parham took in Bullingbrook castle in Lincolnshire.

The king's forces at Reading sent a party to beat up the parliament's quarters at Henley, who thought themselves too secure, and their guards were not placed: about midnight the king's forces came up a narrow lane in the town towards the cross, where four or five pieces of ordnance were planted, but none there with them, save one half-drunken gunner.

He seeing the king's forces advancing towards him, cried out Tom and Jack, and other names, as if there had been

many about him, and when he discerned the king's soldiers to come near him, he made a shift to fire a gun that stood just against them, which in that narrow lane did so great execution both upon men and horse, that in a great terror they faced about, brought off their dead, carrying their bodies back to Reading, but left many horses and much blood in the lane and in the way to Reading.

The house appointed a committee of some members and others to look into the accounts of the kingdom for public satisfaction therein.

Some bickerings were between the forces under major-general Skippon and colonel Harvey and the king's forces in Northamptonshire, wherein (as is usual) fortune was variable.

Many inveighed sharply against a warrant of prince Rupert's, commanding provisions and labourers to be sent to him, "upon your utmost perils, as the total plundering and burning of your houses, with what other mischief the licensed and hungry soldiers can inflict upon you."

An ordinance passed for associating Hampshire, Sussex, Surrey, and Kent, and sir William Waller to be their major-general.

Mr. Pierpoint asked leave of the house of commons to go beyond seas, but they were so desirous of his assistance, being a gentleman of great wisdom and integrity, that they gave him a friendly denial.

The speaker Lenthall was made master of the rolls, Nov. 8, Mr. Pym lieutenant of the ordnance, and Mr. Selden keeper of the records in the Tower.

Sir William Waller sat down before Basing-house.

Great seal. The commissioners for the great seal were agreed upon, the earls of Rutland and Bullingbrooke for the lords' house, and Mr. St. John, sergeant Wilde, Mr. Browne, and Mr. Prideaux for the commons, and the same authority given to them as the lord keeper had, and all acts passed under the great seal at Oxford made void.

The Irish forces which came over with Vavasour refused to fight for the king against their fellow protestants and the parliament, but joined with general Essex's army.

Laud his trial. The archbishop was brought to his trial in the lords' house, November 13, where he made a short speech, and desired that

his counsel might be heard, who were Mr. Chute and Mr. Herne and Mr. Hale, who having spoken to the points in law, the lords adjourned.

Upon the news of the cessation of arms in Ireland many of the earl of Newcastle's army laid down their arms, and offered compositions to the parliament.

The houses agreed that committees should only sit three times in the week, and the houses to sit only the other three days.

Several of the English regiments were sent for out of Ireland to assist the king here, and since the cessation the Irish rebels committed many cruel murders there.

Earl of Holland. The earl of Holland returned from Oxford, and, examined here, said, that after he heard of the cessation in Ireland his conscience would not give him leave to stay any longer with them at Oxford.

The young earl of Caernarvon came from Oxford into the parliament, and was by them committed to the care of his grandfather, the earl of Pembroke.

A paper was communicated to both houses which was sent from the prince Harecourt to the earl of Northumberland, by way of general proposals for an accommodation between the king and parliament, and that in the name of the French king, whose ambassador he was.

Busy Mr. Pryn prosecuted colonel Nathaniel Fiennes for the surrender of Bristol, but it was referred to the council of war.

The king's forces besieging Plymouth took one of their outworks.

Sir William Waller drew off his forces from Basing-house, not willing to put them upon a winter siege.

Sir William Brereton and sir Thomas Middleton took in Holt-castle and other places in Shropshire for the parliament.

Col. Rigby. Colonel Rigby with the Lancashire forces routed a party of the king's, beyond them in number, near Thurland-castle; killed many, and took 400 prisoners and arms, and their commander-in-chief; which was the more discoursed of, because Rigby was a lawyer.

The garrison of Poole made several attempts upon the king's forces in Dorsetshire, killed and took divers of them, and 150 of their horse, and lost not one of the garrison.

Divers of the militia of London made propositions to the house of commons touching the recruits of the armies, &c.; the houses ordered them to search for any officers of the armies who had deserted their colours, and lay skulking in London, to apprehend them, and send them to the general, to be punished by martial law.

Some small bickerings passed between sir William Waller's forces and the king's near Farnham.

The king sent to his subjects in Scotland, to forbid their taking of the covenant, or joining with the parliament of England, but the states of Scotland returned in answer to the king the reasons of their undertaking those lawful actions, and humbly advise the king to take the covenant himself. Covenant.

The Scots generally took it, except Hamilton, and some three other lords; and the estates ordered it to be taken by all men on pain of confiscation; whereof they gave notice by their letters to the parliament of England.

The houses, in answer to the prince de Harecourt, declared their good acceptance of the affection of the king and queen regent of France, in their offer of a mediation of a peace, and that as soon as the prince should make it appear that the propositions were by authority from the king and queen regent of France, the parliament will give such an answer as may stand with the interest of both kingdoms and with the solemn league and covenant. Answer to Fr. ambassador.

A party from the garrison of Poole under captain Laye went by water to Warham, seven miles from them, whereof the enemy having an alarm laid ambuscadoes in the hedges, in the way from the landing-place to the town, but Laye commanded his men, it being in the night, to keep their matches close, so that the enemy could not see where to shoot at them. 78

But the party of Poole entered Warham in two places, and came into the midst of the town, where their garrison was drawn up together, who after one good volley of shot threw down their arms, and fled away.

Those of Poole took about 200 prisoners, much arms, cloth, and provisions, and so returned.

The king's officers having caused divers of the parliament party to be hanged for spies, as one poor man by prince

Rupert's order upon the great elm near the Bell in Henley, and many others;

Now the council of war at Essex-house condemned two for spies who brought a proclamation and letters from Oxford to London, which were taken about them, and they were both hanged.

The judges and officers were commanded by the parliament not to adjourn the term by colour of any writs, or proclamations from Oxford without order of the parliament.

The commons pressed the lords for despatch of the business of the great seal, and the earl of Rutland named for one of the commissioners desired to be excused, as not understanding the law nor the oath to be taken by them.

The castle of Flint was besieged by sir William Brereton, and sir Thomas Middleton: the governor of it for the king held it out till all provisions, even to horses, failed him, and then rendered it upon honourable terms.

Then the parliament forces took in Mostyn-house, belonging to colonel Mostyn, the governor of Flint, and in Mostyn they took four pieces of ordnance and some arms.

C. Mostyn. This colonel Mostyn is my sister's son, a gentleman of good parts and mettle; of a very ancient family, large possessions, and great interest in that country; so that in twelve hours he raised 1500 men for the king, and was well beloved there, living very nobly.

Ships were sent to relieve Plymouth and secure Milford Haven, and to watch the coming over of any of the Irish rebels.

The earl of Rutland was excused from being one of the commissioners of the great seal, and the earl of Kent named in his place.

Some of sir Ralph Hopton's forces drove a party of sir William Waller's horse into Farnham, but Waller drew his party into the castle, they being inferior in number to sir Ralph Hopton's party.

Great seal. The great seal was carried up by the speaker of the house of commons, the whole house attending him, and delivered to the speaker of the lords' house, who in the presence of both houses delivered it to the commissioners, and they all took their oaths, and then carried it to Mr. Brown's house, the clerk of the parliament, where it was put into a chest,

with three different locks, not to be opened but when three of the commissioners were present.

The earl of Warwick was voted lord high admiral of England, and an ordinance passed, that all who would set forth private men of war, should have all ships and goods they could take, which were employed against the parliament, or for supply of the Irish rebels.

Sir Peter Osborn, governor of Jersey, delivered it up to sir John Pennington for the king.

A regiment of the Irish forces landed about Mostyn in Flintshire for the king's service.

Colonel Hastings marching to relieve Fulbury-castle, held for the king, was by the way set upon by the Moorlanders, who routed his troops, killed 100 of them, took about 150 horse, 100 arms, and many prisoners.

The commons thought not fit to treat further with monsieur de Harecourt, until he shewed that he was ambassador extraordinary from France, and that he would direct his papers to one of the speakers. Fr. ambassador.

The estates of Scotland by letters informed the parliament of England of a French agent, who had been with them, to propound their desisting from giving any assistance to the parliament of England, but the Scots justified to him their proceedings. Scotland.

The Scots declared the lords Hamilton, Morton, Roxburgh, and Lanerick to be public enemies, and seized their estates, because they came not in to take the covenant.

The king's forces took Arundel-castle, and fortified there.

Divers forces from Ireland landed in Wales, and the lord Biron went to join with them.

Sir Walter Earle was made lieutenant of the ordnance in the place of Mr. Pym deceased.

The garrison at Plymouth gave a brush to the king's forces besieging them.

Sir William Waller set upon the lord Crauford's forces in Aulton, routed them, and took about a thousand prisoners, arms, and rich booties. Waller.

Colonel Morley beat back the lord Hopton's forces advancing to take Lewes in Sussex.

Mr. Walter Long was by the house appointed register of the chancery. Dr. Burges, by motion from the militia of

London, is made lecturer at Paul's, with 400*l.* per annum salary, out of deans' and chapters' lands.

A letter of thanks was sent to sir William Waller, from the house for his good service at Aulton.

Great seal. Mr. Lenthall, speaker, was sworn master of the rolls before the lords, and he and the commissioners of the great seal took the oaths of supremacy and allegiance in the lords' house; they also took the oath for observation of the act for the triennial parliament.

Irish proposals. The rebels in Ireland proposed to the council there,

1. To have confirmed to them the free exercise of their religion.

2. That all laws there against papists may be repealed.

3. That all lands there belonging to religious houses may be restored.

4. That their popish bishops and hierarchy may be confirmed.

5. That the English protestants may pay tithes to the popish priests.

These things were after the cessation of arms in Ireland.

Colonel Norton in Hampshire routed four troops of colonel Bennet's horse, and took about 200 of them.

Indictment of high treason. The earls of Northumberland, Pembroke, Salisbury, and divers members of the house of commons, were indicted of high treason at Salisbury, for assisting the parliament, before judge Heath, Banks, Forester, and Glanville; but they could not persuade the jury to find the bill.

The commons ordered a committee to draw up an impeachment of treason against the four judges, and to consider of a way to vindicate the lords and members of the commons so indicted.

79 Several more forces, about 1500, landed from Ireland in Wales, and sir William Brereton wrote to the parliament, that some of them were of the rebels, and the lord Biron is joined with them.

The like power was given to sir William Brereton and sir Thomas Middleton for sequestrations and levying of moneys in Wales, as was given to the earl of Manchester in the associate counties.

Five hundred of the prisoners taken by sir William Waller at Alton took the covenant and served under him.

The parliament wrote to general Essex to advance with his army to join with Waller. Essex answered, that he held it not convenient for their service; and a little discontent began to kindle betwixt him and the house of commons and the committee of safety. G. Essex.

The commons ordered that none should elect or be elected common-council men, or officers in London, but such as had taken the covenant.

The commissioners of the great seal sat in the queen's court Decemb. 22, and sealed above five hundred writs, so desirous were people to have the course of justice to proceed. Great seal.

Colonel Brown is made major-general of the city forces appointed to go to sir William Waller.

Essex sent 600 horse to Waller, and removed his army from St. Alban's to Windsor, to be the more in readiness to assist Waller, and divers Kentish forces came in to him, and he sat down before Arundel-castle.

Duke Hamilton, proscribed in Scotland, gets to Oxford, and there is committed close prisoner, an unhappy or unsteady man; and by this you see the uncertainty of greatness and of princes' favours. Duke Hamilton.

Sir John Meldrum and sir William Savile took in the fort at Barten, and after that Gainsborough, for the parliament, about 600 prisoners, some of them officers of quality, store of arms and ammunition.

The parliament sat on Christmas-day, 1643. The earls of Bedford and of Clare came from Oxford back again to the parliament.

A letter was intercepted from Oxford to sir Peter Killegrew, which brought him into suspicion.

Colonel Hutchinson, governor of Nottingham-castle, acquainted the parliament with an offer of the earl of Newcastle to pay him 10,000*l.* and to make him a lord, and governor of that castle, to him and his heirs, if he would deliver it to him for the king, which Hutchinson refused. C. Hutchinson.

The Scots army of about 12,000 advanced near to Berwick, and publish a declaration as they march, of the justness of their undertakings in assistance of the parliament. Scots army.

Major-general Skippon took Grafton-house, and in it sir John Digby, with 20 officers of note, 80 horse, and 200 foot, arms and money.

Some differences fell out at Coventry between the earl of Denbigh and colonel Purefoy, a member of the house of commons: they were both sent for to London, and reconciled.

Many of the protestants in Ireland refuse to submit to the cessation, and join with the Scots forces.

The king of Denmark providing to send assistance to the king of England, and sending for men to the king of Poland to infest the Swedes, the letters being intercepted, the Swedes enter Denmark, and take sundry places there.

Colonel Fiennes was sentenced by the council of war to be beheaded for the surrender of Bristol.

Parliament at Oxford.

The king issued a proclamation for adjourning the parliament to Oxford, and all the members who had deserted the parliament, or been disabled, met at Oxford.

General Essex came to London from St. Alban's, and was not well pleased with some members and proceedings of the house of commons.

Jan. 1643. The earl of Bedford, lately come from Oxford to the general to St. Alban's, was sent to London, and committed to the black rod.

Prince Maurice's forces before Plymouth received a blow from the garrison, and the prince's men falling sick of the camp disease, whereof many died, he raised the siege.

Colonel Boswell with 800 horse from Coventry took by storm sir Thomas Holt's house, 80 prisoners, store of goods, money, and plate.

General Essex sent a new commission with further powers to sir William Waller, which pleased the house of commons.

A plot was confessed of setting on work a petition from the city to the king for peace, and to invite his majesty to London, and the plotters were committed to prison.

Mr. Riley, a clerk belonging to the records in the Tower, was committed for intelligence with Oxford.

Proclamations.

The king sent proclamations to the several sheriffs to adjourn the parliament to Oxford, and to summon the members of that county to appear at Oxford 22 of this month, whereupon the commons order their house to be called the same day.

Another proclamation from the king was to adjourn the next term, and all the courts of justice from London (which the proclamation calls *the rebellious city*) to Oxford, but the parliament forbad it.

Arundel-castle was surrendered to sir William Waller to mercy: there were taken in it sir William Ford, high sheriff, sir Edward bishop, colonel Banfield, and divers gentlemen of Sussex, 50 reformades, 1200 prisoners, with their arms, money, and rich pillage.

The parliament imparted to the city at a common hall the late discovered plot, to make a difference between the parliament and city, to divert the Scots advancing hither, and to raise a general combustion under the pretence of peace. Sir Basil Brooke and Mr. Riley were chief agents in this plot. Plot.

The lord Biron took in Beeston-castle in Cheshire for the king.

The parliament ordered the commissioners of the great seal to issue forth a proclamation for holding the next term at Westminster, and all judges and officers to attend here, under pain of sequestration and forfeiture of their offices.

The lords sent to the commons to hasten the impeachment against the queen.

A new ordinance of excise passed.

The lord Goring's letter to the queen was intercepted, by which he gives her an account of supplies of money and arms coming from France to our king, that monsieur Harecourt was to treat with the parliament as the king should direct him, and that all but two or three jewels of the crown were now pawned for money. Letter intercepted.

Upon this letter, and other informations, the commons impeached the lord Goring of high treason, and ordered the letters of the French ministers of state to be brought to the committee of safety. Goring.

A party of horse under colonel Ashton in Lancashire, marching to join with sir William Brereton, were by the way surprised, and routed by the lord Biron: Brereton upon this alarm fell upon the rear of the lord Biron's forces, and killed and took many of them. 80

Major Brookbank was shot to death for deserting his colours, and revolting to the king.

The parliament wrote to monsieur de Harecourt at Oxford, to acquaint him with their grounds of stopping the packet from France, and with the lord Goring's letter from thence.

Dutch ambassador.

One lord and sir H. Mildmay and sir William Strickland were sent to Gravesend, to entertain and conduct the Dutch ambassador to the parliament.

The city invites the parliament.

The city invited both houses of parliament to dinner in Merchant-Taylors' hall on such a day as the parliament would appoint, and the rather at this time, the general Essex and the earl of Manchester being in town, that the city might express their thankfulness to the parliament for their unwearied labours and care for the defence and peace of the city and whole kingdom.

The houses returned thanks to the city, and engaged to live and die with them in this cause; and this was the rather contrived now that the plot to raise differences between the parliament and city, and to bring in the king, might appear to be the more frivolous.

The parliament ordered public thanks to be given at this meeting; at a sermon, and the Sunday after, in all parishes, for the discovery and prevention of the plot of sir Basil Brooke, &c.

A ship laden with arms and ammunition, sent from Bristol to relieve the king's forces at Chester, was, by the mariners compelling their master, brought into Liverpool to the parliament.

Laud.

The archbishop Laud was brought to the house of peers, and the impeachment against him read, and he required to answer, who said he was an old man and weak, and could not answer without counsel, and desired a further time to answer, which was granted.

The earl of Holland being allied to the general, and brother to the admiral, and great with the earl of Northumberland, and having many friends in both houses, was restored to be a member of the lords' house, and the sequestration of his estate was taken off: he behaved himself with great prudence and submission: he was a person of much honour and ingenuity.

City feast.

Both houses dined with the city at Merchant-Taylors' hall: in the morning they met at sermon in Christ Church; from thence they went on foot to the hall, the trained bands making a lane in the streets as they passed by.

First went the lord mayor and aldermen in their scarlet

gowns, and the common council; then the lord general, lord admiral, earl of Manchester, and other lords, attended with divers colonels and military officers.

After the lords came the members of the house of commons, and the commissioners of Scotland, then the assembly of divines; and as they went through Cheapside, on a scaffold, many popish pictures, crucifixes, and superstitious relics were burnt before them.

The lord Howard of Escrick petitioned for reparation of his losses by the cavaliers out of delinquents' estates. The first I meet with of that edition.

The 22 of January being the day appointed for the anti-parliament to meet at Oxford, the parliament at Westminster called the house, and there appeared 280 of their members besides 100 more in the service of the parliament in the several counties: and now they expelled by vote forty members who had deserted the parliament. Members expelled.

The anti-parliament met at Oxford, but have not taken upon them the name and power of parliament.

The first day of Hillary term, the commissioners of the seal and the judges sat in the several courts at Westminster-hall. The ordinance passed, that if any should deliver proclamation or other thing to any persons from Oxford, or sealed with any other great seal than that attending the parliament, that they should be proceeded against as spies, according to martial law. Ordinance.

Monsieur de Harecourt sent a letter to both the speakers, but not entitling them speakers of the parliament, but only *Messieurs Grey de Werke and Lenthall*, upon which the parliament refused to accept the letters. Fr. ambassador.

Colonel Mitton routed a party of the king's horse convoying arms and ammunition to the besiegers of Nantwich: Mitton fell upon them unexpectedly, killed many, took sir Nicholas Biron governor of Chester, sir Richard Willis, two hundred inferior officers and troopers, one hundred and fifty horse and arms, and all the ammunition and powder which they brought from Shrewsbury. Mitton.

The lord Lovelace wrote to sir Henry Vane, junior, to persuade a treaty of peace, and to raise divisions among the parliament's party. The house authorized sir Henry,

Mr. St. John, and Mr. Brown, to keep a correspondence with the lord Lovelace, to sift what they could out of him, and his lordship was too weak for these gentlemen.

Eight hundred native Irish rebels landed at Weymouth, under the lord Inchiquin, to serve his majesty.

Divers papists' servants about the king's children were removed.

Ogle for the king wrote to Mr. Thomas Goodwyn and Mr. Nye, of the independent judgment, to make great promises to them, if they would oppose the presbyterian government, intended by the Scots to be imposed on England; and much to that purpose.

These two, being persons of great judgment and parts, acquainted their friends herewith, and were authorized to continue a correspondence with Ogle, who gained no ground upon them.

No more could Ogle upon the governor of Aylesbury, nor upon Mr. Davenish: the one was solicited to betray Aylesbury, and the other Windsor, with mountainous promises from Ogle on the king's part; but all were refused.

Scots. The Scots army now entered England were eighteen thousand foot and thirty-five hundred of horse and dragoons.

Petition. The recorder and citizens of London presented a petition to the commons, for the despatch of the business of the accounts of the kingdom, and for recruiting and reforming the armies.

This gave a stroke of jealousy and discontent to Essex and his friends, and the more, because the house so well entertained it.

The commons ordered Worcester-house to be furnished for the Scots commissioners, who desired some members of both houses might be appointed as a joint council with them.

Letters from Oxford. A trumpet came from Oxford with letters to the general, and a parchment-roll, signed by the prince, the duke of York, duke of Cumberland, prince Rupert, about forty lords, and
81 one hundred knights and gentlemen, sometime members of the house of commons, and now met by the king's proclamation at the assembly at Oxford, to debate of the state and peace of the kingdom, and to prevent effusion of more blood: and therefore they desire the general to treat with his friends,

and those by whom he is employed, (not naming the parliament,) to appoint a time and place to treat of propositions of peace.

The general acquainted the parliament herewith, who would not own nor receive the letters, having no directions to them, but left it to the general to return an answer. My correspondence ceased with Mr. Jeffery Palmer and Mr. Edward Hyde, they being deeply engaged with the king, as I was with the parliament.

An ordinance passed to recruit the lord general's army to 7500 foot and 3000 horse and dragoons; and they to have constant pay, only the officers to have but half pay.

Nantwich fight.

The forces of sir Thomas Fairfax and sir William Brereton joining together marched to relieve Nantwich. The king's forces before the town drew out to fight them, and gallant actions were performed on both sides: the event of the battle was long doubtful, till unexpectedly the king's forces gave ground, and were pursued by the parliament's till they were totally routed and dispersed.

Monk.

There were taken prisoners major-general Gibson, Earnley, sir Richard Fleetwood, sir Francis Boteler an Irish rebel, colonel Monk, (who afterwards served the parliament, and this was his first turn,) colonel Gibs, Harmon, sir Ralph Downes, fourteen captains, twenty lieutenants, twenty-six ensigns, two cornets, two quartermasters, forty drums, forty-one sergeants, sixty-three corporals, and fifteen hundred common soldiers, six pieces of ordnance, four cannoniers, twenty-seven waggons loaded.

There were slain in the fight two lieutenant-colonels, four captains, and five hundred men, an hundred and twenty Irish women with long knives; and they report that on the parliament's side were slain not above twenty men, and of them not one officer.

Massey.

From Gloucester colonel Massey set upon sir Henry Talbot's quarters, and surprised him, three captains, three lieutenants, three Irish reformadoes, a sergeant-major, sixty common soldiers, and much arms, ammunition, and provision, going for Worcester.

The commons ordered public thanks to be given in all churches for these victories, and for the assistance of the Scots come into the parliament.

Sir Edward Deering.

Sir Edward Deering came from Oxford into the parliament; and upon his examination said, that since the cessation in Ireland, and seeing so many papists and Irish rebels in the king's army and the anti-parliament set up at Oxford, and the king's councils wholly governed by the popish party, his conscience would not permit him to stay longer with them, but he came to throw himself upon the mercy of the parliament, and according to their declaration to compound for his delinquency. To which he was admitted, and order given for all others that would come in after him who was the first.

Massey retook Malmesbury and the lieutenant-governor, and took three hundred officers and soldiers, and their arms, in that town.

The commissioners of the seal gave the covenant to the lawyers and officers; and so many came to take it that they were fain to appoint another day for it.

The Dutch ambassador went from London to Oxford, first to treat with his majesty.

Mr. Rowse, a member of the house of commons, was by them made provost of Eaton college.

The commons expelled several other of their members who had deserted the parliament.

G. Essex's answer.

General Essex advised with his friends about an answer to the letters which came from the anti-parliament at Oxford; and his answer was in a letter to the earl of Forth, the king's general, to this effect:

That he received the letter and parchment from his lordship, but it having no address to nor acknowledgment of the parliament, he could not communicate it to them. That in maintenance of the parliament, and privileges thereof, they all resolve to spend their blood, as the foundation of our laws and liberties. And he sends to Forth the national covenant.

The parliament appointed seven lords and fourteen commons to be a joint council with the Scots commissioners; but the fewness of the number distasted many who were left out.

The commons took order for ransoming of the English captives at Algiers.

Some differences, or rather unkindness, was apprehended between the lord Willoughby of Parham and the earl of Manchester, who carrying matters as a general, the lord

Willoughby could the less brook it, knowing himself not to be puisne to him; but all was well reconciled.

The lord Fairfax took in Birlington Bay, and about a hundred horses and arms.

Sir Thomas Fairfax pulled up the bridges leading to Chester, and regained three or four garrisons from the enemy, and took about five hundred men, arms, and provisions.

The estates of the earl of Clare, and of divers others, were ordered to be sequestered.

An exhortation of the assembly of divines, touching the taking of the covenant, was approved.

The commons allowed five pounds a week to sir John Hotham, and as much to sir Alexander Carew, and three pounds a week to Mr. Hotham, for their maintenance in prison.

Prince Rupert, by strict warrants, under pain of fire and sword, forbids any provisions to be carried to Gloucester; by which means the city was straitened.

Massey's brother, with a party of the Gloucester horse, going to beat up the enemy's quarters, was engaged with the main body of their horse, and forced to hasten his retreat, with the loss of seventeen of his men.

The Scots took Coquet Island, and about two hundred men, with their arms, seven pieces of ordnance, and provisions, and rescued and restored to the owners a great herd of cattle taken away by the king's forces. Scots.

Colonel Grey, the lord Grey's brother, came in to them with a regiment of horse, and took the covenant; and the inhabitants of Northumberland and Westmorland came in great numbers to them: they sent a summons to Newcastle.

Sir Thomas Fairfax took in Crew-house and Darison-house, and the lord Brereton he took prisoner, with many others.

The Swedes had great successes in Germany.

Another letter of the lord Goring's was intercepted, and he ordered to be impeached of high treason.

The timber upon the lands of the lord Tennet and of other delinquents was ordered to be cut down for the use of the navy. 82

The commons ordered to sit every day in the forenoon in the house, in the afternoon in committees; and every member that came not before prayers ended in the morning to pay Orders of the house.

one shilling to the poor, and for every motion made after twelve o'clock to pay five shillings.

The earl of Westmorland and divers other delinquents came into the parliament, desiring the benefit of the declaration of both kingdoms for composition.

The council at Oxford prohibited any to have this declaration in his custody upon pain of felony; and that if any went from Oxford without leave of the governor, they should be proceeded against by martial law as traitors.

Sir William Brereton reported to the house of commons, that the Irish papists landed in England, and other forces under the lord Biron, commit great spoils and cruelties where they come; what they cannot devour they set on fire, commit horrid rapes and insolences: that more of the Irish rebels are expected to land in those parts, and prince Rupert to come and join with them.

Irish.

That he sends forth his warrants to bring in provisions on pain of death; and that fifteen hundred more of the rebels are to be landed in Scotland, to interrupt the Scots' advance into England.

Ormond.

The marquis of Ormond, the new lieutenant of Ireland, forbids the taking of the covenant. Upon this, and his being the chief promoter of the cessation there, and of sending forces from thence to the king, the commons vote, to impeach him as a traitor against the three kingdoms, and disable him of his lieutenancy and of all command in Ireland.

Twenty thousand English and Scots in the north of Ireland have vowed to live and die together in opposition to the cessation.

Letters from Oxford.

A trumpet came from Oxford to the lord general with letters from the earl of Forth, by the king's command, for a new overture of peace, desiring a safe conduct for Mr. Fanshaw and Mr. Offeley, to come to Westminster with propositions from the king.

The general acquainted the parliament with these letters; but because they did not acknowledge the parliament they would not read them, but referred them to the committee of both kingdoms.

Sir William Constable, in Yorkshire, routed three regiments of Newcastle's horse, took three hundred of them, colonel

Walsingham, a sergeant-major, three captains, and divers officers: divers other small skirmishes were in several countries between both parties.

The Scots besieged Newcastle, and took a main outwork, and beat back the enemy sallying out upon them.

The marquis of Newcastle being in the town burnt a hundred houses in the suburbs; the inhabitants clamour against him. Seven of the parliament's frigates lay in the mouth of the haven to stop their passage by sea. The marquis ordered the firing of the coal mines, but that was prevented by general Lesley's surprising of all the boats and vessels.

Some Irish rebels landing at Beaumarice for the king, prince Rupert sent a regiment to convoy them to Worcester; but colonel Mitton fell upon them by the way, routed them, and took many prisoners and arms from them. Mitton.

The king's forces took in some small garrisons near Gloucester.

A party of horse from Northampton routed sir William Farmer's troop near Banbury, and took about forty of them.

The commons, in favour to the Scots commissioners, agreed to an exchange of colonel Goring for the lord Lothian.

They appointed a committee to take the accounts of billets and free quarter, taken by the lord general's forces in Hertfordshire, and to make allowance for it.

The two sir John Evelyns were readmitted to the house, upon their petition for the benefit of the declaration of both kingdoms, and took the covenant.

There was some disagreement between the two houses about settling the committee of safety, or council of state, and the oath of secrecy to be taken by them. Differences.

The anti-parliament at Oxford were busy in drawing up some propositions of peace, to be tendered to both houses here.

About twenty men in disguised habits, like women, with long knives, were to have entered Nottingham, and surprised the guards, and let in the king's forces; but they were discovered, and some of them taken.

A party of the garrison of Poole, hearing of three thousand pounds sent by prince Rupert to Weymouth, fell upon the convoy, took the money, a hundred horses, many prisoners, and their arms.

More Irish rebels landed near Chester, under the command of the earl of Corke and the lord Inchiquin: some of them plundered the lady Drake's house in Dorsetshire, stripped the lady, and then burned her house to the ground.

Sir John Gell routed a party of the king's horse under colonel Hastings, took a hundred and twenty horse, many prisoners, and their arms.

March 1643. The commons sent to the lords, to hasten the trial of the archbishop of Canterbury.

Letters from Oxford.

A trumpet brought a letter from the earl of Forth to the lord general Essex; and in that was a letter from the king, directed in these words: *To the lords and commons of parliament assembled at Westminster.*

Upon this was a great debate whether this letter should be received, because it did not acknowledge the parliament here otherwise than those at Oxford, and was not according to the usual directions, *To the speaker of one or both of his houses of parliament, or to the lords and commons assembled in parliament.* In conclusion, this letter was referred to a committee, to open it, and to make report thereof to the house.

Cromwell.

Colonel Cromwell was sent by Manchester to guard ammunition from Warwick to Gloucester: he by the way took in Hilsden-house, and in it sir Alexander Denton the owner, colonel Smith, many inferior officers, about a hundred horse, thirteen barrels of powder, store of pillage, and a hundred seventy-three common soldiers, besides forty slain, being Walloons and other foreigners: then he gave an alarm to Oxford, and so went on to Gloucester.

Another party from Warwick fell upon the prince's troop near Banbury, in their quarters, and took sixty of them.

Newark.

The lord Willoughby of Parham and sir John Meldrum, with about five thousand horse and foot, sat down before
83 Newark; the garrison sallying forth forced sir John Meldrum's regiment to retreat, but the lord Willoughby came up gallantly with his regiment, beat them back into the town, and took a piece of ordnance and divers prisoners, and rescued those whom they had taken of sir John Meldrum's men.

Divers of the Irish, about fifteen hundred, were cast away at sea, coming to serve his majesty.

Poole garrison beat up the lord Inchiquin's regiment of Irish rebels, took divers prisoners, two pieces of ordnance, killed many, and fired their magazine.

It was observed that these bloody Irish coming over hither never did any service considerable, but were cut off, some in one place, some in another: in all places the vengeance of God follows bloodthirsty men. Irish.

Directions were sent to Mr. Strickland, the parliament's agent at the Hague, to tender the covenant to all the English in those countries, and to certify the names of such as refused it. Covenant.

The prince elector, in a letter to both houses, declares the content and satisfaction he takes in the covenant, and wishes success to their proceedings in pursuance of that loyal and pious covenant. Prince elector.

The parliament gave authority to sir William Brereton, as to other commanders, to levy moneys by sequestrations, &c. in the counties where they command, and the like power was given to commissioners to reside in the Scots army, and to make supplies and provision for them.

The king's letter, referred to a committee, was reported to a committee of both houses, the effect whereof was, that in regard of the sad condition of the kingdom, that some of the members of parliament at Westminster may meet with some of the members of parliament at Oxford, to agree upon a place where both those at Westminster and those at Oxford may meet in a full convention of parliament to settle religion, with liberty to tender consciences, the true rights of the king, parliament, and kingdom. The king's letter.

The lords upon this letter sent their observations to the commons, that the king expresseth his opinion, that those at Oxford, who have deserted and fought against the parliament, are yet equal members with those at Westminster, whom the king hath often acknowledged the true parliament, and confirmed their acts. Observations.

They propound, that a letter may be sent from both houses to his majesty, to represent this to be a free parliament, and to entreat his majesty to return to it, according to his oath, to maintain the laws, liberties, and privileges of parliament; and that if he return not by a day, then they will take care to manage affairs as shall seem most meet. Proposals.

They also propounded, that a declaration be published upon these points, and to undeceive the kingdom: to all which the commons unanimously consented.

By the direction of major general Skippon, Fillis court-house, near Henley, was made a strong and regular fort, and the Thames brought into the grafts round about it, cannon and a considerable garrison of about 300 foot and a troop of horse in it; and this was the rather done to watch the garrison of Greenland, which for a little fort was made very strong for the king; and between these garrisons stood Fawley-court, miserably torn and plundered by each of them.

The general sent in a list of the officers of his army, and a committee was named to consider with his excellency which should continue in command, and the rest to be provided for, if they will serve as reformadoes. They took care for the continuance of the excise and customs, to provide moneys for their armies.

Five worthy ministers were appointed to attend upon and to preach to the king's children.

The commons voted to impeach Mr. Webster and Mr. Sands, and two other English merchants in Holland, for being chief actors in pawning the crown jewels, and sending over arms and ammunition against the parliament.

The clergy and others being summoned to Leicester to take the covenant, and very many of them coming in, colonel Hastings, with four hundred of the king's horse, roamed about the country, and took about a hundred prisoners of those that were going to take the covenant, and drove the rest home again.

Upon this, about two hundred horse were sent from Leicester, who unexpectedly fell into the quarters of Hastings, rescued all the prisoners, dispersed his troops, took fifty of them prisoners, and a hundred and forty horse and arms.

Fifteen thousand of the Scots passed the river Tyne, and blocked up Newcastle on the south side, as the other part of their army did on the north side.

The lord Willoughby before Newark beat the king's forces from their outworks, and gained their bridges, and came within pistol-shot of the town.

Colonel Wayte beat up the king's quarters near Burley-house.

Colonel Norton did the like to some of the lord Hopton's forces, and killed and took about eighty of them.

The Scots possessed themselves of Sunderland and Durham.

Sir William Constable took Stamford bridge, and three pieces of ordnance, powder, shot, several troops of horse, arms and provisions.

Colonel Lambert at Leeds surprised eleven colours of the king's, and sir William Constable besieged Scarborough; sir Hugh Cholmley revolted to the king, and burnt many houses in Whitbee.

March 12. The archbishop came to his trial in the lords' house; the evidence against him was managed by sergeant Wild and Mr. Maynard: the archbishop in his defence alleged for his constancy in religion, that he had converted two and twenty from popery to be protestants. Laud.

Divers western gentlemen came into Plymouth, and submitted themselves to the parliament.

The divines of the Netherlands, in answer to a letter from the assembly of divines here, express their content in the proceedings of the parliament and assembly touching the covenant, and desire to join with the two kingdoms therein. Netherland divines.

The Dutch ambassador sent a message to the house of commons, directed in the usual manner, *To the speaker of the house of commons:*

And in the afternoon they had a private conference with the speaker and some members.

The earl of Carlisle deserted the king's party, and came in to the parliament. Earl of Carlisle.

Colonel Thomas Pynne took the lord Arundel's house by assault, fifty prisoners, and two pieces of ordnance.

March 15. The commons referred to the council of both kingdoms, to consider of and propound to both houses the most probable, speedy, and effectual means for procuring and establishing a firm peace: wherein the lords concurred.

Sir Richard Greenville was proclaimed traitor by the general, and the proclamation nailed on the gallows. 84

The parliament ships chased the earl of Marlborough; but he (though two to one) did not think fit to fight with them.

The anti-parliament at Oxford passed sundry votes, that the parliament members at Westminster were guilty of trea- Parliament of Oxford.

son: which votes the parliament caused to be published, with a declaration upon them.

A list was agreed of seven colonels of foot-regiments under the lord general in his army.

Dutch ambassadors.

The propositions from the ambassadors of the States were to mediate a peace between the king and parliament: for which end they had been with the king, and now they made application to the parliament, who thought they did not fully acknowledge them as the parliament, and thereupon the business passed over, with compliments on both parts.

Colonel Purefoy beat up the quarters of two troops of the earl of Northampton's regiment, took divers officers and others prisoners, and eighty horse.

The rents of the university of Oxford were secured by the parliament.

Consideration was had of regulating Sir William Waller's army.

The Scots possessed Sunderland, by which means coals were had for London, which before was in great want of them.

Newark garrison sallied out and surprised 200 of the besiegers.

General Essex discontented.

The ordinance passed for regulating the lord general's army, and reducing them to seven thousand and five hundred foot, and three thousand horse; and thereby his officers were discontented, and himself not well pleased.

Letters intercepted.

Letters were intercepted from the catholic council of the rebels in Ireland to cardinal Mazarine, to put the queen regent of France in mind of her promise to assist the Irish with seven thousand men.

An order passed for trade to Sunderland and Blith in the north.

A difference of opinion was between the two houses; the lords would have a new committee named, to consider of propositions of peace; the commons would have that business referred to the committee of both kingdoms.

In the debate of this matter, some of the house of commons seemed averse to any propositions at all for peace: amongst others, I spoke to this effect:

Mr. Speaker,

It would be no wonder to see an unanimous concurrence of the whole house in furthering propositions for a good peace.

The calamities of our distractions have brought us to it, and who is there amongst us that hath not in some measure felt the strokes of them; I am sure, sir, I have smarted by them.

We may say here, but I hope never with the like application, what Tacitus said of the Romans, *Omnia discordiis civilibus fessa.*

The land is weary of our discords, being thereby polluted with our blood.

God hath given you great successes in many places against our enemies, and sometimes he is pleased to give our enemies successes against us; in all of them, whether of the one or the other party, the poor English are still sufferers.

Whose goods, I pray sir, are plundered? whose houses are burnt? whose limbs are cut or shot off? whose persons are thrown into loathsome dungeons? whose blood stains the walls of our towns and defiles our land?

Is it not all English? and is it not then time for us, who are all Englishmen, to be weary of these discords, and to use our utmost endeavours to put an end to them?

I know, sir, you are all here of the same opinion with me in this point; and that it was an unhappy mistake of those who told us in the beginning of our warfare, that it would be only to shew ourselves in the field with a few forces, and then all would be presently ended.

We have found it otherwise: let us now again seek to recover these blessings of peace, whereof we are told, that *nihil tam populare quam pax*, that nothing is than peace more gracious to be heard of, more pleasing to be desired, and more profitable to be enjoyed.

I am sorry we have so much and so sad experience, as well as other arguments, to convince us of this truth.

You think best to refer it to the committee of both kingdoms, and you cannot find more able and faithful men to trust in this business; the lords think fit that another committee be named, to whom this may be referred.

Whilst we differ upon the committee we lose the business, and do not pursue peace. I am persuaded, sir, you can hardly name any committee, either within or without these walls, but would be ready to take pains to effect this good work.

Unless it were those who have said, that if this war be well managed it may last twenty years. But those were not Englishmen; and although we have Irish, French, Dutch, and Walloons, as well as other papists, engaged for the settlement of the protestant religion and laws of England,

Yet I am persuaded, that his majesty and you mutually endeavouring, (as it is both your interests,) none can hinder it.

It is true, that these foreigners help to open the veins wider, but a peace will rid us of them, and stop the issue of blood; but if it bleed on still, we must faint, and perhaps become a prey to foreigners.

Sir, I humbly move that we may endeavour, without more loss of time, to satisfy the lords with reasons, that it is fittest to have this matter referred to the committee of both kingdoms.

Yet if their lordships shall not be satisfied herein, let us consent to name another committee, rather than to suffer so desirable a business to be protracted. Let us consent to any thing that is just, reasonable, and honourable, rather than in the least to neglect *to seek peace and to ensue it.*

The commons appointed a committee to draw up reasons to satisfy the lords, that it was fittest to refer this matter to the committee of both kingdoms.

The lord Howard of Escricke had an allowance out of sequestrations, in satisfaction of his losses, and the first precedent herein was of a lord.

Captain Weere going with a party from Lyme was surprised by the king's forces, and most of his men taken prisoners and carried to Collington, and divers killed.

Captain Thomas Pyne having intelligence thereof, went out the same night with a party of the garrison of Lyme to Collington, where he found them in jollity for their success; and, falling upon them, he took the colonel, several inferior officers, about sixty soldiers, and many horse and arms, and rescued all their prisoners.

85 Prince Rupert, with a great body of horse, came unex-
Newark. pectedly upon the parliament's forces before Newark, so that they had no time to prepare to receive him; yet colonel Rossiter, major Lilburn, captain Bethell, and Hunt, gallantly charged, and routed the right wing led by the prince.

Other of the parliament's forces did not play their parts so well, but five hundred of them deserted the great fort before they were assaulted, secured their arms, and went away to Lincoln: by which means the prince became master of that fort and of the island, and there intrenched himself, and cut off provisions from the besiegers, which made them render upon articles, which were not observed: the parliament lost

there three thousand arms, and nine pieces of ordnance, and the enemy rejoiced much in this action.

The occasion of this defeat was the want of a good agreement amongst the officers before the town, who took upon them more power than belonged to them; several of them striving to be chief in command, and all thereby were the more careless, and unprepared to resist the enemy.

The ordinance passed for completing and maintaining the lord general's army to consist of seven regiments of foot, each of 1000 soldiers, divided into eight companies, and the general's regiment to be of 1500 soldiers, and divided into twelve companies, and to have six regiments of horse, each to consist of 550 troopers, and divided into six troops. Army modelled.

Instead of nine great ships, not so useful in the navy, it was ordered to fit up twelve merchant ships.

The commons ordered the lord mayor and militia of London to provide a store of corn for the city.

An ordinance passed for contribution of one meal a week for the auxiliary forces.

Colonel Harvey was sent forth with his regiment of horse to sir William Waller.

Captain Swanley took a Bristol ship laden with arms and ammunition for the king.

The Scots took a great fort over against Tinmouth, which commands all ships coming in or going out of Newcastle, and five pieces of ordnance, arms, powder, and some prisoners, and lost but nine men.

Colonel Cromwell, governor of the Isle of Ely, had the like power for levying money there for his forces as the earl of Manchester had in the associated counties.

General Forth and sir Ralph Hopton, having drawn together the strength of the king's forces in those parts, marched towards sir William Waller, who with sir William Belfore, sir Arthur Haslerig, and others, had got together about 10,000 men.

Both armies lay within a mile of each other, about four miles from Winchester, and two or three days faced each other, and had some light skirmishes between the horse; and sir William Waller's men took about thirty of the enemy, and slew one captain and an Irish rebel. Winchester fight.

March 29. Both armies fell on upon each other, the king's

forces having the advantage in the number; both parties fought very gallantly and stoutly: the London forces and Kentish men with Waller, and sir Arthur Haslerig and Belfore, did very brave service, and after a sharp fight the parliament forces totally routed and dispersed the king's army.

The first of the king's that are said to run away were two regiments of Irish, the other foot regiments fought stoutly on both sides, and came up to push of pike; the London regiments drove the enemy from the hedges, which they had lined with musketeers, and gained the passage to a wood, which stood the parliament forces in great stead, and shortly after put the enemy to a rout, which was so total, that scarce ten of them were left together. Their general Forth and sir Ralph Hopton fled to Basing-house, their ordnance, arms, bag and baggage left to the parliament, about 500 of them slain, besides those in the pursuit, closely followed by sir Arthur Haslerig.

The lord John, brother to the duke of Lenox, was slain, and many officers of the king's party. Of the parliament's party about 100 men slain, colonel Dalbier wounded, and colonel Thompson's leg shot off.

The news hereof, as it was joyful to the parliament, so it took off much of their rejoicing at Oxford for the relieving of Newark, and raising of the siege there.

Anno 1644. 20 Car. April 1644. The parliament ordered a day of public thanksgiving for the good success which it pleased God to give to their forces near Winchester.

Ships were ordered to lie to hinder the landing of the Irish.

Captain Swanley secured Milford Haven, Haverford West, and all Pembrokeshire, for the parliament.

Irish. The Irish rebels entered into a catholic covenant, and sent their agents to the king to have a free catholic parliament, and they had countenance at Oxford.

The commons took course for making of gunpowder.

The Scots and Newcastle's army often faced each other, and had some small rencounters.

A party of sir John Gell's men near Derby fell upon a quarter of the enemy, killed twenty-two, routed the rest; drove divers men and horse into the river Dove, where they were drowned; took 140 horse, and eighty prisoners.

Colonel Bellasis attempted the quarters of colonel Lambert, who beat back colonel Bellasis, and pursued him six miles, took 150 horse, sixty foot, colonel Bagshaw, and eighty captains and officers.

Sir Edward Hartop and major Bingley were questioned for letting the enemy pass to the relief of Newark, when they had a considerable force to oppose him; and it was referred to a council of war.

It was agreed to send 66,000*l.* to the British forces in Ulster.

The prince elector wrote to the parliament of the great want he and his mother were in for want of the stipend they formerly had, bemoans the courses which his brother took in fighting against the parliament, and rejoiced to hear of the covenant. Prince elector.

The king's forces at Reading levelled the works, and marched to Marlborough.

An ordinance passed for observation of the Lord's day.

The Isle of Wight sent store of provisions and 300 men to Waller.

Upon advice from the committee of both kingdoms, the parliament resolved to draw together all their forces at a general rendezvous, and to put the enemy to it by a day, and took order for victuals and necessaries for their armies; and that this their resolution should be published on the day of thanksgiving.

Newcastle imposed an oath of adherence upon the inhabitants of York to oppose the Scots, but many refused to take it. 86

The lord Fairfax's regiment took 160 horse and eighty foot at Axholm.

The commons and lords answered the Dutch ambassadors, that when they should make it appear that they had commission to address themselves to the parliament, they should receive a fit answer. Dutch ambassadors.

To draw up the papers to the ambassadors and the compliments cost me some labour.

At a common council the earl of Warwick, sir Henry Vane junior, and the earl of Pembroke, spake to the citizens, acquainted them with the resolution of the parliament to put the business of the war to a speedy issue, and to a day, and

to desire their assistance. Sir William Waller spake to them to the same effect: Mr. Hollis and Mr. Glyn to the same purpose: and the citizens were very forward in the business.

A party of sir William Waller's forces took Christ Church, and sir John Willis the governor, with divers commissioners of array, 120 horse, 200 foot, and about 400 arms.

The London brigade with colonel Whitehead took in by composition Walton-house, belonging to the bishop of Winchester.

Colonel Langhern and captain Swanley, with the help of a squadron of ships sent to them, took in the fort of Prickspil, divers officers, eighteen great ordnance, six carriages, 300 soldiers, with their arms, and two Bristol ships with arms and powder.

This so terrified Haverford-West, that their sentries the next night seeing a herd of cattle, cried out, that the roundheads black-coats were come; and sir Henry Vaughan and his company hasted away, leaving behind them powder, ten pieces of ordnance, and store of provisions.

Then they took Tinby, a strong fort, with the governor, 300 soldiers, and arms, eight pieces of cannon, and store of plunder, and secured all Pembrokeshire and most part of South Wales for the parliament.

Prince Griffith (so called) made a proposition for 15,000*l.* to reduce all North Wales to the parliament.

Colonel King took in Crowland for the parliament; eighty horse and arms.

The lords agreed to refer the drawing up of propositions for peace to the committee of both kingdoms, to do it by a day.

An Oxford spy was executed.

The lord Conway and the carl of Kingston came into the parliament.

The king's standard.

The king again sets up his standard at Marlborough, but seeing few come in to it, he declared at the standard, that the two houses were preparing propositions for peace, and he would reward those that came in to him as there should be further occasion to use them. And so the standard was taken down.

The king's forces surprised Warcham, as was suspected, by the treachery of the captain of the watch, who let them in;

for which they, being masters of the place, killed the captain and many others, and committed divers rapes and cruelties.

The archbishop coming again to trial, the article was urged against him, and several witnesses produced, that he assumed the title of the pope, that in letters from the university of Oxford he was styled *Optimus, Maximus,* and *Sanctitas Vestra,* Your Sacred Holiness, *Æternum Reverendissime Cancellarie,* and *Maximus Pontifex.* Laud.

It was referred to the committee of both kingdoms to send agents to the Swedes and to Zealand, to declare the parliament's affection to them who had expressed their good liking of the proceedings of the parliament.

The lord Fairfax and sir Thomas Fairfax his son joining together, drew up their forces to Selby, where a garrison of the king's was, and in it colonel Bellasis the governor of York: that night they beat in a party of the enemy's horse, and took divers prisoners. Fairfax. Selby.

Early the next morning they beset the town in three divisions, and after a hot fight, wherein both parties performed brave service, Fairfax routed them, and entered the town; where they took four colonels, four majors, twenty captains, 130 inferior officers, 1600 common soldiers, four brass pieces of ordnance, powder, match, 2000 arms, 500 horse, besides colours and a pinnace and ships in the river, and 500 more prisoners at Hemcough near Selby.

For this the parliament ordered a day of public thanksgiving.

The candlesticks, crucifixes, and plate in Paul's church were ordered to be sold, and a motion debated for borrowing 100,000*l.* of the states of the Netherlands.

The lord mayor and aldermen of London proposed that they would raise 20,000 men, and how they might be paid; but the commons doubting it might retard their present designs, it was for that time laid aside. London.

A party of sir William Waller's horse beat up the enemy's quarters at Sunning near Reading, took two lieutenant colonels, three captains, divers other officers, twenty-one soldiers with arms, and forty horse.

A proclamation was published from Oxford, commanding the inhabitants of Oxfordshire, Bucks, and Berks, &c., to Proclamation.

bring in all their provision for men and horse to Oxford within five days, that they may not assist the enemies now marching, on pain of fire and sword. The commons appointed a declaration to be drawn and published thereupon.

Association. These three counties, Oxon, Bucks, and Berks, entered into an association, and a committee was appointed of members of the house, and other gentlemen of those counties then in London, to manage the affairs of those counties, to compound with delinquents, and to raise supplies for the forces there.

The earl of Newcastle, troubled at the news of Selby, and his army wasting upon the approach of the Scots towards them, they left Durham to the Scots, and general Lesley pursued them.

The commons did right to Mr. Campbell, upon a complaint of horses taken from him, and to the inhabitants of Surrey, for satisfaction of their charges for supply of sir William Waller.

A thousand countrymen came in to colonel Massey, who represented the condition of his garrison to the parliament, who ordered supplies for him, and the earl of Manchester was ordered, with 4000 horse and 5000 foot, to attend the motion of prince Rupert.

The lord Fairfax's forces joined with the Scots, and care was taken to supply the earl of Manchester.

Sir William Waller sent out a party which fell upon a convoy of the enemy's for supply of Basing-house, and took of them divers officers, forty soldiers, 1000 sheep, and fat cattle and money.

Sir John Gell routed two troops of colonel Goring's regiment of horse, and dispersed the rest.

The earl of Warwick took eight ships bound for Bristol.

York was close besieged by the Scots and the lord Fairfax's forces.

87 The Dutch ambassadors and the parliament courted each other, but nothing came to effect between them.

The king's forces (whereof many were Irish) burnt Bemister, Cerne, and Shaftesbury in Dorsetshire.

The commons ordered that no private business should be heard in the house before the armies were upon their march.

The propositions for peace were brought into the house, and read, and debated, and the debate adjourned.

The marquis of Huntley in Scotland made some commotion on behalf of the king, but the earl of Argyle quieted him.

The anti-parliament at Oxford had written letters to the estates of Scotland, dehorting them from giving any assistance to those at Westminster, who were in arms against the king, and these letters set forth the unlawfulness and injustice of such undertakings and actions. Letters from Oxford.

The estates of Scotland sent up this letter to the parliament with a copy of their answer to it, which was to this effect: That their expedition into England was not intended till all other means were first assayed and disappointed; they deny not the parliament's invitation of them; and they declare that their pity to see England bleed, and their sense of the danger of their own religion and laws, were the chief cause of their taking up arms. That they held not the invitation of the parliament any ways invalid, because they at Oxford are wanting, or others are gone beyond the seas, having either wilfully deserted the parliament, or been expelled for delinquency; or why those that stay in parliament are not a sufficient number without those at Oxford they do not apprehend; with much of the like matter, which was well accepted by the parliament. Scots answer.

May 1644. An ordinance for the supply of the earl of Manchester's forces stuck with the lords.

An ordinance was published to prevent the adjournment of the term, or any the courts of justice from Westminster, and all judges and officers were commanded to attend their places here.

Some 30 firelocks of the garrison of Northampton being surprised by the enemy, and carried prisoners to Banbury, the Northampton forces marched forth, entered Banbury, fetched off all their prisoners, and took about 30 of them. Sir Thomas Fairfax and major-general Lesley closely pursued the earl of Newcastle's horse southward.

The archbishop of Canterbury came again to his trial, the evidence against him was managed by Mr. Nicholas. Laud.

Captain Swanley took in the town of Caernarvon with 400 prisoners, arms, ammunition, and much pillage.

Plymouth sallied out upon the besiegers, took 40 prisoners, horse, arms, and ammunition.

The speaker and some members of the house were sent to the Dutch ambassadors to compliment and take leave of them.

City. The commons sent to acquaint the city that they were preparing propositions for peace, and desired to know from them what concerned their particular; for which the city returned their humble thanks.

Particular letters were ordered to be written from the houses to the Scots general, and to the lord Fairfax and his son, in acknowledgment of their good services.

The lord-general wrote to the houses to appoint a committee to reside with the army, and to supply the army.

Mr. Rolles, a member of the house, had satisfaction voted to be given him for his losses in opposing the king's taking of tunnage and poundage, when it was not granted by parliament.

At the taking of Caermarthen by captain Swanley many Irish rebels were thrown into the sea.

Earl of Manchester. The earl of Manchester took the city of Lincoln by storm, and in it sir Francis Fane the governor, three colonels, many inferior officers, 800 common soldiers, 1000 arms, 8 pieces of ordnance, all their arms, ammunition, and pillage given to the soldiers, and 80 of them were slain.

A new ordinance passed for abolishing all popish relics fixed to tombs or other places, and all organs, images, &c.

The earl of Holland desired license to accompany the lord-general in the present expedition, which the lords granted, but the commons denied, which (upon my knowledge) distasted the general: sir Philip Stapleton and Mr. Hollis were two of the most secret counsellors and friends the general had; they often advised with him about his affairs, for his good, and the advantage of the parliament, but he was not well fixed.

Newcastle's horse coming to relieve Lincoln were beaten back by Manchester's.

The siege of York was continued, and the Scots and the lord Fairfax's forces drawn very near to the walls.

The lord Say, master of the wards, and the officers of that court sat; Mr. Charles Fleetwood was made receiver general, and Mr. Miles Corbet clerk of the wards.

Captain Fox with one troop of horse went to Bewdely, the enemy's garrison, and in the night, under pretence of being one of the prince's troops, passed the guards to the main guard, where he killed the sentinels, seized the guard, and took sir Thomas Littleton and divers persons of quality prisoners.

The Londoners presented a petition to the lords, desiring their free and mutual concurrence with the commons in the great affairs now in agitation, which was not well taken by the lords. Petition.

A party of the king's horse came to Henley, requiring the inhabitants to carry in all their provisions for men and horse to Oxford, else the town should be burnt and fallen upon by the soldiers, but captain Buller, being quartered not far from thence, and hearing of it, came unexpectedly, and fell upon the enemy, and rescued the town.

Colonel Massey with his own forces, and some of the regiments of the lord Stamford, colonel Devoreux, and colonel Purefoy, took Westbury by assault, divers officers, and 60 soldiers; the same night he marched to little Deane, and meeting with a party of the enemy under captain Congrave and Wigmore, he slew them, and seven or eight more, and took divers prisoners. Massey.

Then he stormed Newnam, a strong fort, who shot at his trumpet sent to summon them, and that so enraged Massey's men, that they entered the town and slew about 40, took divers officers, and 130 common soldiers, and store of arms.

A new ordinance for settling the committee of both kingdoms was sent up to the lords, who denied to pass the former, and the reason thereof was, because divers of that committee, especially of the commons, were apprehended not to be so much the general's friends as others who were desired to be brought in, and this caused some piques among them.

They also moved the lords to pass the ordinance for excluding the members of both houses who had deserted 88
the parliament, which had long attended their lordships' resolution.

Order was given to the lord mayor and militia of London, to remove all suspicious persons, papists, and delinquents out of the cities of London and Westminster and the suburbs,

and the like directions were sent to the committees of the several counties.

The horse of sir Tho. Fairfax and of the earl of Manchester joined with the Scots horse, and were in all about 8000.

Supplies arrived at Lyme, and the besieged beat back the enemy at three assaults, and forced them to leave behind them their scaling ladders, and about 125 of their men prisoners, colonel Bluet, colonel Strangways, and one Pawlet, and divers others slain, and three great guns, and prince Maurice's own colours taken.

In these assaults they relate that the women of the town would come into the thickest of the danger, to bring powder, bullet, and provisions to the men, encouraging them upon the works.

London petition. In a petition to the commons from London, they gave them thanks for their indefatigable pains and care, and being sensible of some delays in the great affairs, by reason the committee of both kingdoms did not sit, they desire a speedy course may be taken therein.

Jealousies. This petition was suspected by the general's friends to be set on foot by those who were not his friends, and jealousies now began among the grandees of the parliament.

The lord Roberts, field-marshal to Essex's army, had given him the allowance of 6*l.* per diem.

Some of the garrison of York sallied out upon the Scots, but were beaten back by them, and about 60 killed and taken, and a church in the suburbs.

The lord-general was at Greenland-house to view it, and his forces quartered at Henley; where they did much mischief to me in my woods and houses, though I was a parliament-man, and the general himself and most of the officers my particular friends and acquaintance; yet the unruly soldiers were not restrained.

The king's forces carried away all they could get at Reading, and deserted it.

The French merchants of London, in a petition to the house, shewed that some of their ships were stayed in Normandy by the king's commission granted to some Irish rebels, under pretence of satisfying them their losses since the rebellion.

Mr. St. John was by the commons assigned to be attorney-general. Pembroke, Caermarthen, and Cardigan were associated under colonel Laugherne with like powers as in other associations. Association.

A committee of western gentlemen residing in London was named to take care for supply of Plymouth and the western parts.

The late commotions in Scotland were somewhat appeased.

The earls of Montrose and Crauford fled to Newcastle, pursued by the earl of Calender, and marquis of Huntley fled to the hills.

The archbishop was again brought to his trial, and proofs produced against him, touching his endeavours to set up popery, his removing the communion tables, and setting up altars in their places; his causing superstitious pictures, images, and crucifixes to be set up in many churches; and in the king's chapel causing a popish crucifix to be hung up over the altar upon every Good Friday, which had not been there before since the reign of queen Mary. Laud.

Other pictures were shewed to the lords, which were found in the archbishop's study and chambers; as, the inspiring of divers popes and cardinals by the Holy Ghost, resembled in the form of a dove: another was of our Saviour bleeding upon the cross, and Pilate crying out, *Ecce homo!* and his consecrating of churches, tapers, candlesticks, organs, and particular prayers for those purposes, were urged against him.

The commons ordered the taking away of all such pictures, images, and crucifixes in the king's chapel at Whitehall.

Some agreement for the present was between both houses for the sitting of the committee of both kingdoms.

By letters from the general, dated at Henley, he certifies the parliament that he is upon a further advance towards the enemy; and that he may have no hinderance, but to take his whole army with him, he desires a party may be sent out of the city to block up Greenland-house, a place very prejudicial to the country thereabouts; that he sent a party to view the works, but thought it unsafe to adventure the taking of it by onset. Major-general Skippon, riding about the works, had his horse shot under him. Gen. Essex.

Another letter came the next day from the general, that

he was now marching from Reading to seek out the enemy, who were said to be about Wantage, where he resolved to quarter that night, and to give them no rest till they fight or fly. He further puts the house in mind, that they would send out a party to reduce Greenland-house.

So many came in to the general, that he writes for 4000 arms to arm the volunteers.

Goring with 4000 horse marched through Leicestershire, and was skirmished with by the lord Gray.

Colonel Cromwell joined with the Scots.

The committee of the revenue gave a full account to the house of all their receipts and disbursements. The earl of Nottingham had his pension confirmed to him, and part of it was assigned to the countess.

It was proposed that all the forces that could, should be drawn together out of Oxfordshire, Berks, and Bucks, to join with a brigade to be sent out of London, under major-general Brown, and that I should command the whole party. But I knew the height of the major-general, and that he thought it sufficient for him to obey the orders of the lord-general himself, and that this might cause a difference betwixt him and me, and therefore I waved it.

A letter of compliment was sent from the parliament of England to the parliament of Scotland now sitting.

Laud. The archbishop came again to his trial, where was produced against him his own diary, wherein it appeared that he had altered part of the king's oath taken at his coronation, and that in a most material point for his passing such laws as the people should choose, which he left out, and added a saving of the king's prerogative in the oath.

The lord Roberts and sir Philip Stapleton with 3000 horse entered Abington, which the king's party quitted to them.

The lord-general by two proclamations prohibited all plunderings and outrages, on pain of death.

The committee of both kingdoms were ordered to prepare a narrative to be sent from the parliament to the States of Holland, touching the negotiation of their ambassadors here, and to compliment them.

89 The lord Fairfax took in Cawood-castle; and the Scots, by assault, took one of the enemy's works before York, and find-

ing it maintained by foreigners and papists, gave them no quarter.

Whilst they lay before York, the king's forces in Westmorland and Cumberland made great incursions into Durham.

A committee of citizens was appointed to consider of borrowing 200,000*l.* here or beyond seas.

Lyme was brought to some straits by the enemy's countermining of them.

Captain Temple beat up the enemy's quarters at Islip, slew 15, took divers officers, sir James Fortescue and others, and 37 prisoners, and 18 bales of serge.

The garrison at Plymouth sallied out two miles, and took from the enemy 9 pieces of ordnance, 150 prisoners, 100 cows, and 500 sheep.

General Essex advanced to Bullington-green, within a mile of Oxford, and faced it.

Mr. Walter Long was by ordinance made register of the chancery, and a committee was appointed to consider of fit persons to be made judges.

Colonel Massey took Beverston-castle in Gloucestershire, and in it sixty persons, with all their ordnance and ammunition. Massey.

From thence, at Malmesbury he took the garrison, being three hundred men, and among them two of the earl of Berkshire's sons, four hundred arms, seven pieces of ordnance, powder, and ammunition.

From thence he went to Chippenham, which the enemy quitted to him with much provision and arms.

An ordinance was agreed to bestow on him a thousand pounds per annum out of sir John Winter's estate.

By advice of the assembly of divines, an erroneous print of the English Bible at Amsterdam, sent over hither, was suppressed by order of parliament.

The earl of Denbigh took in Russel-house in Staffordshire, and in it colonel Lane and divers officers, with two hundred prisoners and their arms, and 10,000*l.* worth of goods, and so opened the passage betwixt Coventry and London: the stout Moorlanders joined with him. The earl of Manchester's horse joined with the Scots horse and those of sir Thomas

Fairfax, and advanced to interpose between prince Rupert and York or Lancaster.

Mr. Hix, a minister appointed to preach before the parliament, and complaining that he wanted books, being plundered, the commons gave him 30*l.* to buy more.

A gentleman who came from Ireland to Oxford, and so to London, informed the parliament that the propositions of the protestants there were cast off, but those of the rebels countenanced.

June 1644. Sir William Brereton was made major-general of Cheshire and the adjacent parts, with like power as in other associations.

The enemy assaulting Lyme, major Rutsford, with a party of the garrison, sallied out and beat them back, took about three hundred prisoners, one brass piece of ordnance, and great store of arms.

Prince Rupert took Bolton in Lancashire by storm, after three repulses; which so irritated the prince's forces, that they put to the sword many after they had laid down their arms, and among them were named four ministers, Heycocke, Tilsbury, Harper, and Fogge. This was highly discoursed of by the parliament party, that a foreign prince should be allowed to exercise so much severity upon the lives of the English in their own country.

The lord Chandois left Oxford and came in to the parliament.

The earl of Calender possessed himself of Morpeth for the parliament.

By combination between the mayor of Newcastle and the governor of the South Shields for the parliament, they were betrayed to the king's forces.

The seamen discovering a plot to betray Sunderland, put themselves in arms, planted two pieces of ordnance, and secured the town. For which service the parliament gave them 200*l.*, and ordered the captain that betrayed the South Shields to be tried for it by a council of war.

Letters of credence were received by the parliament from the king of Denmark.

Colonel Jones, governor of Farnham-castle, was assaulted in his quarters by some of the garrison of Basing-house; but

three troops of colonel Norton's coming to his assistance, they took divers officers and about seventy-five soldiers, and drove the rest to Basing. Sir Edward Baynton, upon a submissive petition, was restored to the house.

Captain Swanley was called into the house of commons, and had thanks given him for his good service, and a chain of gold of two hundred pounds value; and captain Smith, his vice-admiral, had another chain of one hundred pounds value.

Gen. Essex.

The lord-general Essex had a skirmish with the king's forces at Anslow-bridge, near Islip, where they had made breastworks on both sides, but Essex forced them to retreat, and took thirty of them prisoners: Waller on the other side took sixty prisoners, and about forty were slain of the parliament's party.

Colonel Coningham.

Coningham, one of Essex's colonels, having his arm shot off by a great shot, was so far from being daunted at it, that he held up his other arm, and said, "I have yet another arm left to fight for the parliament:" but he died not long after.

Major Matthews was likewise wounded; and the report was, that the king lost that day near two thousand men, that were killed and wounded, and ran away.

Colonel Hutchinson, governor of Nottingham, met with a party of the Newarkers, slew captain Thimbleby, and took fifty of them. The same party from Nottingham, the next day, took more of the Newarkers, twenty gentlemen and officers, and sixty of their horse and furniture.

The lords sent to the commons, that a regiment of foot, or more, might be sent to join with the forces then before Greenland-house; and that they might batter it from the other side of the Thames.

Dutch ambassadors.

The Dutch ambassadors came from the king to the lord general, to know if he were inclined to peace, and would treat with them: he answered, that he had much desired peace, but was not empowered to treat about it, that being reserved to the parliament. And so the ambassadors returned to London.

The marquis of Argyle quieted the commotions in Scotland.

Mr. Nichols, one of the committee sent to the army, informed the parliament that the king and prince, with the three

90 thousand horse and a party of musketeers, were marched from Oxford towards Bristol, as was conceived.

That the king sent a party before to Burford, whither he followed; and that the duke of York, with some forces, was in Oxford, and that the town was in some straits and want of provisions: there are fifteen hundred of the king's army, besides the scholars, and eight hundred townsmen.

At Burford the king was fain in person to drive his soldiers out of the town.

Laud. The archbishop was again brought to his trial, and urged against him, that he so furnished the king's chapel that seminary priests would come thither for their devotion and adoration; and some of them were instanced, who said, they knew no difference between their churches and this chapel and some other of our churches, as they were new ordered.

The king went from Burford with five thousand horse and foot, twenty carriages, and some small drakes: sir William Waller closely pursued him. They are supposed to intend for Worcester, and so to Shrewsbury, that they may the more conveniently join, as there shall be occasion, with prince Rupert.

General Essex pursued them another way, by Chipping Norton.

City. The commons sent a committee to London, to treat about the sending of more forces speedily for the reducing of Oxford and Greenland-house, and the better securing those counties for the parliament.

The city freely agreed hereunto, and resolved to send out another brigade of horse and foot, under major-general Brown, to join with the forces of these three counties.

Lyme. The earl of Warwick relieved Lyme with provisions and ammunition, which they greatly wanted; and with some of his seamen helped to keep the line. Prince Maurice stormed the town; but captain Ceely, the governor, and his garrison, with the seamen, made such a defence, that sixty of the prince's men were slain, two captains, and many of his soldiers taken prisoners, and but eight men lost of the garrison in this storm.

The chief commanders before Lyme were prince Maurice, the lord Pawlet, and sir John Borelace, with about 2500 horse and foot in all.

The next day but one they began again to storm the town, and came on with as much bravery and resolution as could be performed by Englishmen against Englishmen, and they were as gallantly received by the garrison; and 400 of the prince's men were slain on the place, and not above seven of the garrison.

All this was certified to the parliament by letters from the earl of Warwick, to whom a letter of thanks was sent from both houses for his great service in relieving this town; and they ordered 1000*l.* per annum to the town, out of the lord Pawlet's estate, and full satisfaction to the inhabitants for their losses; and the lord general was desired to send a party to relieve them. Earl of Warwick.

It was much wondered at that this town could so long hold out, being of little strength, more than by the courage of their men, and situate low under a hill, which was of great advantage to the besiegers; and they were sometimes brought unto such straits, that their water was noisome with the blood of those slain; and they much wanted provision of victuals and ammunition, which the earl of Warwick supplied.

He also certified the parliament that he had taken two pinnaces at sea; one bound for Bristol, valued at 18,000*l.*

A troop of the earl of Dallensie's regiment marched to the walls of York, killed thirty, and took thirty-four prisoners, sixty horse, and forty oxen and cows from the garrison.

General Lesley and the earl of Manchester entrenched on each side of York, very near to the city, and the Scots took and fortified a windmill near the town, though the garrison made 200 great shot at them. York.

The parliament ordered the lord general to pursue the king, and sir William Waller to march into the west, which was contrary to the general's liking; and it was thought strange that the committee of both kingdoms would at that distance take upon them to give particular orders for the services and course of their armies' march, and not rather to leave it to the chief commanders that were upon the place, and who upon every motion of the enemy might see cause to alter their counsels.

This increased the jealousies and piques between the general and Waller, both gallant men; but the general thought himself undervalued, and Waller was high enough. Nor did Piques.

there want pickthanks to blow those coals of jealousy: and this proved unhappy to the parliament affairs, as will appear afterwards.

Mr. Hungerford, a member of the house of commons, was committed for going to the anti-parliament at Oxford. Colonel Massey took in Tewkesbury, and in it lieutenant-colonel Mynne, and many prisoners, powder, and ammunition, and slew several inferior officers.

York. A battery was made at the Windmill-hill at York, five pieces of ordnance planted, which shot into the town, and did much hurt. The lord Eglinton with four thousand Scots entered some of the gates, and made a passage into the manor-house.

A strong party sallying out of the city were beaten back with loss; General Leven with his regiment took a fort from the enemy, and in it 120 prisoners: the garrison burnt up much of the suburbs.

Laud. The archbishop came again to his trial; and the matters against him were, touching his ceremonial and popish consecrating of churches, and concerning the book of allowing recreation on Sundays.

The earl of Manchester having made a mine, forced the great fort at York, where all the defenders were slain and taken, and but ten or twelve Scots lost.

York. The earl of Newcastle sent to general Leven, to know the cause of his drawing thither. Leven answers, that he wondered Newcastle should be ignorant thereof: that his intent was to bring that city to the obedience of the king and parliament; and therefore, for avoiding further effusion of blood, he summoned him once more to render the town.

The earl of Newcastle, sir Thomas Widderington, and other chief commanders, with a strong party, sallied out of the town, endeavouring to escape, but were driven back into the city; from whence they, shooting at a tent where Leven was, took off part of the tent, but did no other hurt.

Sudley-castle. Sudley-castle in Gloucestershire was yielded to sir William Waller at mercy, and taken in it nine captains, twenty-two inferior officers, and all the common soldiers, of whom a hundred and fifty took the covenant, and listed themselves for the parliament: they took here likewise 4000*l.* worth of cloth.

The same day colonel Purefoy, with the Warwick forces, took Compton-house, and in it 55*col.* in money, and five or six pots of money more found in a pond, all their arms, four hundred sheep, about a hundred head of cattle, and great store of plunder. Compton-house. 91

The king's forces as they hastened to Worcester broke down the bridges after them, to hinder the pursuit of them, and many of them crowding to get over Pursow-bridge, the planks left for their passage brake, and about sixty of them were drowned.

The commons again desired the lords' concurrence to the ordinance for secluding the members who had deserted the parliament and assisted their enemies, but the lords were not yet satisfied therein. Secluding members.

A party continued before Greenland-house.

An ordinance passed for the relief of the maimed and sick soldiers, and for the wives and children of those who were slain in the service of the parliament.

The king sent from Bewdely a party of three thousand horse to relieve Dudley-castle, besieged by the earl of Denbigh, who coming suddenly upon the earl, he sent out a forlorn, commanded by colonel Mitton, who charged the enemy so home, and was so far engaged, that the earl's friends advised him to draw off as fast as he could, to save himself and the rest of his company, the forlorn being given over for lost, and the king's forces far in number exceeding the forces of the earl. Earl of Denbigh.

But the earl would not so leave his friends engaged, but in person led on his party, and charged the enemy so hotly that they retreated in disorder, and the earl rescued and brought off his forlorn, and the enemy lost about a hundred of their men, besides many officers and common soldiers taken prisoners by the earl, and lost but seventeen of his own men.

Lyme being relieved, and the siege raised, the earl of Warwick went on shore, and much wondered that the works of the town being so slight and the enemy so strong, that yet the town should hold out so long, and against so many fierce assaults; and yet in the whole siege the town lost not above a hundred and twenty men, but the enemy lost two thousand. Lyme.

Letters of thanks were ordered to be written from the

parliament to the town, and two thousand pounds gratuity to be given them, and clothes for the soldiers.

General Essex sent a party to have relieved Lyme, but prince Maurice was gone with all his remaining forces, and the siege raised before they came.

The party sent by the lord-general to relieve Lyme marched from thence to Weymouth, which was rendered to them upon terms, and all their ordnance, arms, and ammunition left behind them.

Prince Rupert took in Liverpool, a garrison of the parliament's in Lancashire; but they first shipped all their arms, ammunition, and portable goods, and most of the officers and soldiers went on shipboard, whilst a few made good the fort, which they rendered to the prince upon quarter, yet were all put to the sword.

The lord-general came to Dorchester, where divers western gentlemen came in to him, and among them the lord Becham, son to the marquis of Hertford.

Queen brought to bed.

The queen was brought to bed of a daughter at Exeter.

The parliament now ordered that the general should continue in the western service, and sir William Waller to attend the motions of the king's army, and that the earl of Denbigh, sir William Brereton, colonel Massey, colonel Mitton, and colonel Rigby and their forces, should join with sir William Waller.

The earl of Newcastle desired a treaty, which was admitted; and he demanded to march away with bag and baggage and arms, and drums beating and colours flying, and that all within the town should have liberty of conscience, the prebends to enjoy their places, to have common prayer, organs, copes, surplices, hoods, crosses, &c.

York.

These things were denied by the parliament's generals, but they offered the earl of Newcastle, that he and all the commanders should go forth on horseback with their swords, and the common soldiers to march out with staves in their hands and a month's pay, and all else to be left behind them.

The enemy desired four or five days' time to consider hereof, which was granted.

Taunton Dean was rendered to the lord-general, and some other places in the west where he was.

The archbishop was again brought to his trial, and the matters insisted on against him were, his introducing of popery and Arminianism. Laud.

The lords sent to the commons, that they could not consent to the ordinance for secluding the members of both houses who had deserted the parliament, because they had already voted the readmission of the earl of Holland: and the commons referred it to a committee to consider of some expedient as to the case of the earl of Holland. Secluding members.

A committee of lawyers was appointed for sequestering and selling the chambers in the inns of court belonging to malignant lawyers. Wherein I did some service to my profession in preventing the ransacking of their chambers, and taking away men's evidences lying there, and particularly did service therein to Mr. Palmer.

The general by his letters from Dorchester informs the parliament that the country thereabouts generally declared themselves for the parliament, and had furnished his army with plenty of provisions.

The lord Canoule, a Scot, master of the horse to the king, came in, and submitted himself to the lord-general.

The king left his foot at Worcester, and from thence went with two thousand horse to Evesham, where he took the mayor and divers aldermen of the town, and carried them with him prisoners to Oxford, and brake down the bridges after them as they passed, to hinder sir William Waller's pursuit of them; they likewise burnt down many houses in the suburbs of Worcester, the better to secure the city; and the like they did at Oxford, and also at Abington.

The siege continued before Basing-house, but those that were before Greenland-house thought not fit upon the king's coming back to Oxford to continue any siege to Greenland-house, till they might have the forces of major-general Brown to join with them.

An ordinance passed to empower the committee of Oxon, Berks, and Bucks, to raise forces and money to pay them, and they to be under Brown's command.

Troubles were in the Virginia Plantation.

The archbishop was again brought to his trial, and the same points of popery and Arminianism urged against him, Laud.

and as a proof thereof, the remonstrance of the house of commons in parliament in the year 1628.

Sir Richard Onslow's regiment came to assist colonel
92 Norton lying before Basing-house, to whom and to colonel Morley the commons sent a letter of thanks.

At Weymouth the lord-general took a hundred pieces of ordnance, two thousand muskets, a thousand swords, arms, pistols, powder, and about sixty of great and small vessels.

The general sent parties to Dartmouth, Wareham, and other places.

The lord viscount L'Isle had allowed him 1000*l.* upon account of the Irish service.

Plymouth garrison sent out parties, who beat up the enemy's quarters, and at one time took forty, and at another time a hundred and fifty horse and prisoners.

A ship with letters to the parliament from Scotland, and two other ships loaden with coals for London, put in at Harwich, and there cast anchor, and the mariners went on shore, leaving none aboard the ships to guard them. In the meantime came into the harbour a pinnace of the king's, carrying the parliament colours, and finding these ships without any guard, boarded them, and carried them clear away westward.

The king marched from Oxford towards Bedford, and several parties of his army did very much spoil as they marched in Bucks, Bedford, and Hertfordshire; they plundered Leighton; and at Dunstable, when the people were at church, they shot at the minister in the pulpit, and committed many outrages there and in many other places.

Major general Brown marched out with his forces to Barnet, and from thence to St. Alban's, where the forces of the associated counties are to meet him, and the commons took care for the supply of all of them.

Sir Thomas Fairfax and major general Lesley were sent from the leaguer before York with six thousand horse and dragoons, and five thousand foot, to relieve Lancashire, and to attend the motions of prince Rupert.

Earl of Calender. Colonel Charles Fairfax, sent to assist the Scots party at Sunderland, beat back the earl of Montrose, Musgrave, and the rest into Newcastle; and the earl of Calender, with a

reserve of ten thousand Scots, entered England to assist the parliament.

The commons took order touching the prerogative court, and appointed sir Nathaniel Brent to be the judge of that court.

Letters of thanks were sent to the lord-general for his good service; and upon a petition of the western gentlemen that he might continue in the service there, it was so ordered, and an ordinance appointed for the empowering a committee of the west, as in other associations.

The earl of Warwick with his fleet sailed along the coast as the lord-general marched, and carried his ammunition, and sent ships to keep in the enemy, and some to assist the parliament forces, who besieged Guernsey-castle.

The earls of Leicester and of Newport left the king, and came in to the parliament.

Upon the general's advance towards Exeter, the queen sent a trumpeter to desire him to forbear any acts of hostility against the town, for that she was weak and ill, being lately brought to bed there. Queen.

The covenant was ordered to be tendered to all physicians, surgeons, and apothecaries in London, and to be sent into the several counties.

Mr. Peters gave a large relation to the commons of all the business of Lyme, where he was with the earl of Warwick, and that after the siege raised, the enemy set fire on divers gallant houses about Studcome, Frampton, and other places.

The earl of Denbigh took in Oswestry in Shropshire, but would not suffer his soldiers to plunder it, the town giving five hundred pounds to the soldiers.

In the town and castle were taken one lieutenant colonel, four captains, divers inferior officers, three hundred and five common soldiers and arms.

Sir William Waller sent for major general Brown to join with him.

Letters of thanks were sent from the houses to the earl of Denbigh.

Greenland-house was besieged by major-general Brown, their batteries planted on the further side of the river Thames, yet near the house, against which they made many shot and much battered it: they sent to London for some petards, and two pieces of battery.

For secluding members.

At a conference with the lords, Mr. Prideaux offered to them the reasons why the commons insisted upon the ordinance as they had passed it for secluding the members of both houses who have deserted the parliament, and the lords shortly after concurred therein with the commons.

Mr. Bagshaw, a member of the house of commons, who had deserted them, and was one of the anti-parliament at Oxford, was taken in Oxfordshire and brought to London to the house of commons, who committed him prisoner to the king's-bench in Southwark, where he had been with so much glory chosen to be their burgess for this parliament.

An ordinance passed for the cutting and drying of turf upon the lands near London, for fuel for the city.

July 1644. The parliament gave way for four thousand quarters of grain to be transported beyond sea, and to have in return from thence arms and ammunition, and twelve iron pieces of ordnance.

The houses adjourned every Tuesday and Thursday: several ordinances passed for associations in the west and other counties.

Edge-hill.

The king's forces, finding an advantage, fell upon a party of sir William Waller's horse near Edge-hill, and forced them to a disorderly retreat, with the loss of an hundred of their men; and divers of the king's party were slain: the armies lay upon the hill all the night, and the next day fought.

York.

Sir Henry Vane junior, from the north, informed the commons of the state of the siege of York, closely begirt by the parliament's forces, that a mine being sprung by the earl of Manchester's men without giving notice thereof to the Scots, it did not succeed, but three hundred of the earl's men were lost, about forty of them slain, and the rest taken prisoners.

That provisions in the city are scarce, and probably it had been rendered before this time, but that they expect prince Rupert's coming to relieve them, who, with eight thousand horse, besides foot, is reported to be come out of Lancashire; but major Shuttleworth fell upon a party of his forces, and took sir Simon Fanshaw and other prisoners.

The garrison of Plymouth sailed out of the town, and fell upon the enemy's quarters, took from them about fifty horses, slew captain Arundel and divers inferior officers, and many soldiers.

Young captain Chudley, with his major Drake, revolted to the king's party in Cornwall.

The queen sent to general Essex for a safe conduct to go to the Bath for her health; he answered, that if she pleased, he would give her majesty a safe conduct to London, where she might have the best means for her health; but the other way, he said, he knew not. Queen. 93

Sir William Waller by letters informed the parliament, that the king marched towards Cropredy-bridge, and some other passes; that colonel Middleton with four or five troops of horse charged them, and Waller with his horse passed over a little below that place, and seeing the enemy had placed a strong body on the top of the hill, he stayed for his other regiments to come up to him. Cropredy bridge fight.

That Middleton routed the enemy, and pursued them near a mile, which being perceived by some of Waller's forces, they left a passage which they were to have maintained, and deserted their great guns to adventure on the enemy, and thereby dispossessed themselves of the guns and passage together.

That a strong party of the enemy wheeling about forced Middleton to retreat with some loss, and in the skirmish he was dismounted among the king's forces, who taking him to be one of their commanders, mounted him again, wishing him to make haste to kill a roundhead, by which means he escaped.

On Waller's part, colonel Baker, colonel Vanes, and a Dutch captain were taken prisoners, and about a hundred common soldiers, lieutenant-colonel Bains slain or taken, and they lost five drakes, a minion, and two leather guns, and about 140 of his men slain and taken prisoners.

The king lost colonel Clark and colonel Butler, and another colonel, and divers inferior officers, and about 160 of his soldiers killed and taken prisoners, and he lost two pieces of ordnance.

Waller drew all his horse and foot to the top of the hill, and faced the enemy, and they skirmished all that day. Both parties in this fight demeaned themselves with great courage. Middleton had a particular encounter with the lord Wilmot, whom he took prisoner; but he was rescued, by the soldiers who had him in custody being wounded.

The king's forces thought they had much the better of this day, but Waller kept the ground, and the enemy drew off.

About Chard in Somersetshire 400 countrymen came and offered their service to the parliament.

The queen sent again for a safe conduct, but general Essex did not think fit to grant it.

Waller by his letters informed the parliament, that after the fight at Cropredy-bridge the king sent a trumpeter to him with a gracious message, to which he returned answer, that he had no commission to entertain any message from his majesty without permission from the parliament, to whom application was to be made in these matters.

Message to Waller.

The Dutch ambassador sent to the parliament about some ships seized on, which was referred to the committee of both kingdoms.

The tenth of all prizes were ordered to be for the earl of Warwick, towards satisfaction of his great disbursements in the parliament service.

York.

The forces of York sallied out several times upon the besiegers, but were beaten back with loss: they were in great want of salt in the city, but the besiegers drew off to a greater distance from the city, the better to resist their sallies, and to receive prince Rupert, who was come to Craven.

The Portuguese had a great victory against the Spaniards.

The lords consented to the ordinance for secluding the members of both houses who had deserted the parliament.

The Portugal ambassador desired to be heard, before some ships appointed for that purpose did go to the river Amazons, within his majesty's dominions, which was referred to a committee.

The archbishop came again to his trial.

Prince Maurice sent a party to burn Barnstable, but the town rose against them, shut them out, and killed about twenty of them: hereof they gave notice to the lord-general, who sent the lord Roberts with a strong party to secure them.

The lord Grey routed a party of the enemy near Stamford, killed six of them, took forty horse, and as many gentlemen, and divers inferior officers, and pursued colonel Hastings and his forces.

The besiegers of Greenland-house had almost beaten the house about the ears of the garrison.

A committee was appointed to consider of the manner of reception of the Dutch ambassador, and of other ambassadors. Ambassadors.

Upon prince Rupert's coming towards York, the besiegers drew off from the city, to be the better prepared to receive the prince.

Divers letters were intercepted going from Oxford to the queen, wherein the king acquaints her with the parliament's purpose to present him propositions for peace, which if she likes, he thinks will be the best way for settlement, as things now stand. Letters intercepted.

In those and other letters there are relations of the late fight at Cropredy-bridge, and of other encounters, much different from the relations thereof made by the commanders upon the place.

Colonel Warren taken prisoner by the parliament's forces in the north, and now prisoner in Hull, was sent for up to the parliament, in whose service he had formerly been, and they committed him to the Tower.

Colonel Monk is said to have done good service for the parliament against the Irish rebels, till he received a command from the king, upon which he deserted his regiment in Ireland, and served in person against the parliament; whose forces took him prisoner with colonel Warren, and he was now likewise committed to the Tower. Monk.

Prince Rupert having relieved the countess of Derby, who had courageously defended Lathom-house, besieged eighteen weeks by colonel Ashton, Moore, and Rigby, and they being all drawn off, the prince marched towards York with 20,000 horse and foot, upon notice whereof the three generals for the parliament, Leven, Manchester, and Fairfax, raised their siege from before York, and drew into a large plain, about eight miles from the city, called Marston-moor.

The prince fetching a compass about with his army got into York, and there the earl of Newcastle with six or seven thousand men joining with him, they both marched unto Marston-moor, and possessed themselves of the best places of advantage for ground and wind. Marston-moor fight.

The right wing of the parliament was commanded by sir Thomas Fairfax, and consisted of all his horse, and three

regiments of the Scots horse; the left wing was commanded by the earl of Manchester and colonel Cromwell.

One body of their foot was commanded by the lord Fairfax, and consisted of his foot and two brigades of the Scots foot for a reserve, and the main body of the rest of the foot was commanded by general Leven.

The right wing of the prince's army was commanded by the earl of Newcastle, the left wing by the prince himself,
94 and the main body commanded by general Goring, sir Charles Lucas, and major-general Porter: thus were both sides drawn up into battalia.

July the 3d. In this posture both armies faced each other, and about seven o'clock in the morning the fight began between them.

The prince with his left wing fell on the parliament's right wing, routed them, and pursued them a great way; the like did general Goring, Lucas, and Porter upon the parliament's main body.

The three generals giving all for lost, hastened out of th e field, and many of their soldiers fled and threw down their arms: the king's forces, especially prince Rupert, too eagerly following the chase, the victory, now almost achieved by them was again snatched out of their hands.

For colonel Cromwell, with the brave regiment of his countrymen and sir Thomas Fairfax, having rallied some of his horse, fell upon the prince's right wing, where the earl of Newcastle was, and routed them, and the rest of their companions rallying, they fell all together upon the divided bodies of Rupert and Goring, and totally dispersed them, and obtained a complete victory after three hours' fight.

From this battle and the pursuit some reckon were buried 7000 Englishmen; all agree that above 3000 of the prince's men were slain in the battle, besides those in the chase, and 3000 prisoners taken, many of their chief officers, twenty-five pieces of ordnance, forty-seven colours, 10,000 arms, two waggons of carabines and pistols, 130 barrels of powder, and all their bag and baggage.

For this great victory the parliament ordered a day to be kept of public thanksgiving, and a letter of thanks to be written to the three generals, who with their armies kept a

day of thanksgiving for the great success that God had given them: colonel Cromwell was much cried up for his service in this battle, and received a slight hurt with a pistol-shot in the neck, which some imagined to be by accident, and want of care by some of his own men.

Sir Thomas Fairfax likewise performed very gallant service in this action, and both the commanders and the soldiers on both parts acquitted themselves like courageous Englishmen: it pleased God upon this appeal to decide it for the parliament.

Prince Rupert escaped narrowly by the goodness of his horse, and got into York: the papers of the earl of Newcastle were taken, and among them the commission of the earl of Newcastle to be general, and to make knights: and they were presented to the parliament.

The parliament ordered 30,000*l.* for Ireland.

A party from Oxford and Wallingford came to relieve Greenland-house, whereupon the parliament forces, then but a few, before it, drew off to Henley, and the king's forces brought their fellows little relief, only carried away twenty-nine women and some plunder, and so returned; and then the besiegers sat down again before it.

Oswestry being besieged by the king's forces under colonel Marrowe, sir Tho. Middleton relieved it, and took 200 common soldiers, seven carriages, 100 horse, the lord Newport's eldest son, and divers officers and arms, and the lord Newport's estate was ordered to be sold.

An ordinance passed for the new excise.

Sir William Waller mounted his foot, the better to pursue the king's forces, and the adjacent counties furnished him with horses.

Sir Ralph Hopton with about 500 men attempted Marlborough on the fair day, but the high sheriff of Wilts, colonel Ludlow, getting some horse, drove them out of the town.

A recruit coming to Hopton, Ludlow retreated, and lost about twenty of his men; then a relief coming from colonel Norton to Ludlow, he again set upon the enemy, and forced them to fly, and took about twenty of them prisoners.

Upon information from Mr. Strickland, the parliament's agent in the Low Countries, they voted some English merchants there, who had assisted the king in his affairs against

the parliament, (that is, Webster, Bainham, Manning, Ford, and Yard,) to be incendiaries, and enemies to the state.

Ambassadors. The Dutch ambassadors were solemnly received in the lords' house, and afterwards in the house of commons, where chairs were set for them.

The first were carried into the inner court of wards' chamber, prepared for them as a withdrawing-room, from whence they were conducted by the sergeant-at-arms with his mace, and two members of the house sent to accompany the ambassadors into the house.

When they came in, the speaker, and all the members stood up in their places uncovered, and the ambassadors saluted them as they passed by; then they sat down in their chairs, and the members sat down likewise, and when the ambassadors were covered, the speaker and house were covered also.

They made a short speech of the affection of their masters to these kingdoms, and their desire to mediate an accord between the king and his parliament, and after their speech ended, they returned with the same ceremonies as at the coming thither.

During the time of their being in the house, there lay upon the table in their view forty-eight colours taken from the king's forces in the battle of Marston-moor.

Greenland-house. Major-general Brown with his whole brigade came and joined with the forces before Greenland-house, and continued the batteries, upon which colonel Hawkins, the governor of Greenland, sent out for a treaty, and rendered the fort to major-general Brown upon these articles:

Articles. 1. That the house and fort of Greenland-house, with all the ammunition, ordnance, and provision therein, be delivered up to major-general Brown in the same condition it is now in.

2. That all officers shall quietly march forth of the said house with their horses and swords, the common soldiers and cannoneers with their arms and colours, viz. swords, pikes, and muskets.

3. That the said major-general do afford them a convoy of horse to Nettlebed, to return again within six hours, without any molestation of the forces so convoyed.

4. That the said major-general shall cause to be provided for the said officers and soldiers two teams and carts to carry away their baggage, and such provisions as are necessary for their journey to

Wallingford, which carts and horses are to be returned so soon as they come thither.

5. That all prisoners taken on either side be forthwith discharged.

They left in the house five pieces of ordnance, thirty barrels of powder, great store of bullet and match, a good quantity of cheese, biscuit, fish, malt, flour, beer, oats, peas, and great plenty of householdstuff.

Prince Rupert after his defeat at Marston-moor, joined with the bordering forces of the king in Cumberland and Westmorland, and the parliament's three generals sent out a party of 3000 horse and foot, of their several armies, to follow him.

With the rest of their forces they sat down again before York.

The parliament thought fit to set a rate upon coals, for the relief of the poor of London.

The lord of Rochborough was impeached of high treason, upon a letter under the king's hand, taken in the battle, among the earl of Newcastle's papers.

The parliament, in a kind temper, upon their good success, ordered the sequestrations of the estates of the earls of Bedford, Holland, and Clare to be taken off.

Blandford.

The town of Blandford had by the lord-general been used kindly, yet when he was gone, they apprehended a messenger of his, and sent him to the king's garrison at Wareham, and contrived to betray a party of 100 horse sent thither by Waller, of whom they sent notice to Wareham.

Upon this, major Sydenham and other parliament commanders came to the town, seized upon the chief commanders, and permitted their soldiers to plunder this perfidious town.

Prince Maurice's major came in to the lord general at Tiverton, and colonel Blake took in the strong town of Taunton Dean for the parliament, to whom the townsmen were well affected.

The earl of Denbigh took in Cholmely-house, and store of arms and ammunition in it.

By ordinances, divers high sheriffs were appointed, and the lord Roberts was made lieutenant of Exon and Devonshire, and the earl of Pembroke of Somersetshire.

Sir Richard Norton, a commissioner of array in Hampshire, was ordered to be sent for by the committee.

Plymouth were well pleased with their new governor, colonel Carre.

Mr. Dutton, Mr. Lowe, and Mr. Constantine, former members of the parliament, who had deserted them, and were of the anti-parliament at Oxford, were committed to several prisons.

Hotham. Letters were produced under sir John Hotham's hand, among the papers of the earl of Newcastle taken at Marston-moor, by which Hotham expresseth his affection to the earl, and thereupon the commons called for the ordinance for martial law, and it being agreed upon was sent up to the lords.

Papers sent to the houses from the Spanish ambassador touching Graveling were referred to the committee of both kingdoms.

The general by letters informed the parliament, that Barnstable, Taunton, and Tiverton, with all the east part of Devonshire, were in his power, and that 4000 of the country proffered their service to the parliament at Chard, 3000 more at Collampton, and 2000 more brought in since by colonel Ware, and that Barnstable freely entertained his forces; that a few of the malignants are come in to him; that the queen was come back to Exon; that Hopton was recruited with 500 men, but most of them ran away again.

York. The three parliament generals before York prepared to storm the city, and thereupon sir Thomas Glenham, the governor, sent out a trumpet for a parley, which was admitted.

The lord Inchequin drew out of Wareham 240 horse and dragoons, and marched towards Dorchester, to plunder and burn it, but making some pause before the town, gave opportunity to major Sydenham to come to their relief, who beat back Inchequin, took 160 of his men prisoners, with sixty horse, and good store of their gotten plunder.

Sir Robert Pye and colonel Blake, at the taking of Taunton castle, had of the enemy eleven pieces of ordnance, and store of arms and ammunition, with much provision and householdstuff.

And intercepted letters boast, that bonfires were made at

Oxford for the defeat that prince Rupert gave the three generals of the parliament at Marston-moor; and that Hopton had basted colonel Popham.

The archbishop was again brought to his trial, and urged against him, that he denied the pope to be antichrist, and did chide Dr. Hall for giving the holy father those epithets of *antichristian*, &c.; that he held the pope to be the metropolitan bishop of the world, and that there could be no true church without bishops. Laud.

The speaker offered to the house a petition, which he received from the hands of the French ambassador, touching the French and English merchants in matters of trade, which the house referred to the committee of the navy, and directed, that when addresses should be made to them as a parliament, they should do right. Parliament.

Colonel Popham was ordered to go down to Taunton, to take in his charge a regiment raised by the country for him.

The lord Inchequin's party taken at Dorchester, that were Irish rebels, were there hanged.

The lord admiral, upon the general's advance to Exeter, sent the James, a ship of 1200 tons, to lie before it at Torbay; that 100 are come out of the town to him, and that he, hearing of eleven ships waiting for the queen to carry her beyond sea, sent three lusty ships to wait on them.

The king marched with 7000 horse and foot to Bath, and from thence towards Bristol, where Hopton joined with him.

Bostal-house in Bucks was refortified by the king's party.

York was rendered upon articles to the three parliament generals, who entered the town, and went to the minster, where they had a sermon, and thanks returned to God for the recovery of it. York rendered.

An order was made touching compounding for wardships.

Colonel Massey wrote that the king, with about 400 horse and 3000 foot, was marched westward, whereof he had given notice to the general and to sir William Waller, and that he with three troops of horse followed the king's rear, to keep them from plunder.

By letters from the general, he desires a pass for an Irish gentlewoman, governess to the young princess, and sends a letter which he received out of Exeter from sir John Berkley the governor.

Irish. The Irish (as was informed, by the king's allowance) made a declaration and vow to assist the king against the puritan parliament, and to defend episcopacy and the papists of England, and protest against the covenant, and that they will proceed against all that take it.

The lord Grey of Groby and sir John Gell joining together to reduce a garrison of the king's at Wilney-Ferry, who did many outrages to the country, and much infested them, they used this stratagem to get the fort:

Stratagem. They took about sixty cartloads of hay, and other com-
96 bustible matter, and carried them with their forces up to the very fort, under the shelter of which their men were secure from any hurt from the enemy; and putting fire to the combustible matter, with the advantage of the wind, did so annoy the enemy, that they were driven out of the works, and their trenches filled with the hay and other stuff.

Captain Robinson, the governor, offered to render upon terms, to march away with bag and baggage, but that being denied, he prepared for a resolute defence; but when the parliament forces began the storm, Robinson's men threw down their arms, and craved quarter, which was given them, and but one man killed; there were taken three captains, divers inferior officers, two drakes, and seventy common soldiers: after this, they took in Winkfield manor and Shelford manor. The parliament ordered a letter of thanks to them.

The house being informed that sir John Berkeley, governor of Exeter, hanged up captain Turpine in cold blood, ordered
Judges. that the judges who condemned him, Heath, Banks, Forster, and Glanville, might be impeached of high treason, which was ordered against Glanville only, he being in their power.

Two priests who were in the earl of Newcastle's army were sent up to the parliament, and ordered to be tried according to law.

The commons ordered a letter of thanks to the lord-general for his good service in the west.

The lord-general sent word to the parliament, that he was advancing to relieve Plymouth, and to fight with prince Maurice.

Debates. Indeed there was a great debate at the council of war, whether they should march on westward, or face about and

meet the king, who was marching towards them, and rather fight with him than with prince Maurice.

Most of the council were of opinion to face about, and to meet the king, but the lord Roberts was very earnest for them to advance into Cornwall, and by the way to relieve Plymouth, and from thence to march into Cornwall to fight prince Maurice, affirming that when they came into Cornwall, which was his lordship's country, they should find great assistance, and many to come in to them, by his interest among them.

The general followed his advice, and wrote to the parliament as before, that the king was in Somersetshire, and that the queen, with Bristol and Jermin, were landed at Brest in France.

The house ordered that Mr. Hollis, one of their members, shall have out of the king's revenue the fine which was imposed on him by the starchamber, 3 Car., for his fidelity to the commonwealth. Hollis.

A ship loaden with arms and ammunition for the king was taken, and brought into Sunderland, with twenty-two pieces of ordnance in her.

A committee of seven lords and fourteen commons were appointed to hear any complaints sent in by the Dutch ambassadors concerning taking of ships, that right may be done.

A committee, most of lawyers, was appointed to consider what ordinances were fit to be made into laws, when the king and parliament should be agreed.

The archbishop was again brought to his trial, and proofs produced against him, that he should say, the pope was not antichrist, but the head of the church, and that the protestant and Romish religion was all one; and if the one was false, so was the other; and that he concealed a plot revealed to him, that seven thousand men were in pay, attending an opportunity to kill the king, and to massacre the protestants. Laud.

The lord-general sent up to the parliament a letter which he received from the earl of Forth, now made earl of Brentford, general of the king's army, acquainting that a letter was sent by his majesty from Eversham, by the French agent, to be by him presented to the parliament for peace.

Message from the king.

It was entitled, *A gracious message*, directed, *To the lords and commons in parliament assembled at Westminster.*

It propounded a treaty of peace, and that commissioners might be appointed on both sides to meet and treat thereof, and it was signed by the lord Digby, secretary.

A letter came from the three generals, that now, if it pleased the parliament, they believed the king would be more inclinable to peace than formerly. This was excepted against by some who were no friends to peace, but the rest of us, who longed for peace, carried it against them, to have a day set to consider of this business.

Major general Brown was ordered to march to Abington, to secure the magazine and artillery there.

The earl of Manchester wrote to the parliament for their advice, which way the Scots army and his should march, and

York.

that the lord Fairfax was in York.

Marston.

Upon the defeat at Marston divers persons of quality in discontent at that action, and at passages of prince Rupert distasteful to them, quitted their charges under the king, and went beyond sea; there landed of them at Hamburgh the earl of Newcastle and his two sons, general King, the lord Falconbridge, the lord Widderington, the earl of Carnwath, the bishop of Londonderry, sir Ed. Widderington, colonel Carnaby, colonel Basset, colonel Mazen, sir William Vavasour, sir Francis Mackworth, and sir Charles Cavendish, and about eighty other.

A party from Northampton came to Banbury, beat the enemy into the castle, and took some prisoners.

A party of the Irish rebels took in Woodhouse in Devonshire, near Warmestre, where after the parliament forces had yielded up the house upon quarter, yet the Irish inhumanly abused both the men, women, and children, and afterwards hanged fourteen honest wealthy men, clothiers, who were fled thither for shelter.

Eighteen of the king's best ships, and ten merchantmen, with some frigates, were ordered to be fitted for the winter guard at sea.

Mr. Constantine was sent up prisoner from Poole, and committed to the king's bench.

The widow of captain Turpine, who was executed in cold blood at Exeter, petitioned for satisfaction from sergeant

Glanville, who gave judgment against him; and from Meredeth and Seymour, justices of the peace, which was voted by the parliament, and a letter written to the general, that if any of their estates came within his power he should cause this to be done accordingly.

Captain Hammond, sent out by colonel Massey with a party of horse to relieve the country, whom the garrison of Berkley-castle had miserably plundered, went to the castle, beat in the enemy, drove the park, rescued and restored to the countrymen all their cattle, and killed and took divers officers and soldiers of the garrison prisoners.

By letters from the lord-general the house was informed, that he with his whole army marched from Tiverton eastward, whereof prince Maurice having notice, marched after him with 4000 horse and foot; that part of the lord Paulet's regiment took up their quarters at Cheriton, where part of 97
the lord-general's horse fell in upon them, took sixty of their horse, routed the whole regiment, killed divers of their officers and soldiers, took store of arms, bag and baggage.

In his letter was enclosed a petition from the town of Barnstable, newly made a garrison by the general, that their major might be their governor and colonel, with power to levy money: all which was granted.

That he intended to go for the relief of Plymouth.

The king was at Evil in Somersetshire with about 5000 horse and foot.

After the business of Cherington the lord Paulet went to L. Paulet.
Exeter, where the soldiers, at his entering into the town, asking money of him, he caned some of them, whereupon they pulled him off from his horse and beat him, and his life had been in danger if not rescued.

Waller sent a party of horse and dragoons into the west, under lieutenant general Middleton.

The commons took great care to provide money and other necessaries for supply of their armies in the north, and of the English and Scots forces in Ireland.

The ordinance passed for the court-martial in London, for the trial of the Irish rebels, and others of greatest distaste with the parliament.

The lords put the commons in mind of the propositions for peace, and desired that the Scots commissioners might

be conferred with about them, and the business hastened; and the commons appointed a day for it.

The Dutch ambassadors desired respite of the sale of some ships taken for prize, which was granted.

The commons had debate about the sale of the estates of some papists in arms, and notorious delinquents, and of bishops, deans and chapters.

Laud. The archbishop came again to his trial, and the evidence being over, he desired a day for his counsel to plead to the matter in law, which was granted, and that afterwards he himself might give his general answer to the whole charge.

The earl of Manchester took in Tickhill-castle near Doncaster upon terms, that the officers, soldiers, and gentry there might go quietly to their own homes: all the arms, ammunition, and provisions were left to the earl, and were considerable.

A party of the king's horse fell upon some troops of the earl of Denbigh at Evesham, but the earl's men took 120 of the enemy's horse prisoners, slew many in the place, and lost but two or three men.

A party of the king's garrison at Donnington-castle came from thence to Newbury on the Lord's day, with design to seize upon some of the chief men of the town, but a party of sir William Waller's men rescued them, and beat the enemy back to the castle, and took about twenty of them prisoners.

Aug. 1644. The lord Henry Piercy's regiment marching with the king westward, quartered at Collyton, and a party of them came in the evening and faced Lyme, which garrison, to requite their visit, sent out a party of about one hundred and twenty horse that night, under captain Pyne, Herle, and Bragge, who beat up their quarters, took about one hundred and twenty of their horse, fifty-five prisoners, divers officers, one hundred arms, and good pillage.

After which a like party marched from Lyme to Chard, the king being newly gone with his main body out of the town; there they took eleven brave horse with rich saddles, supposed to be the king's own saddle-horses, and divers prisoners.

General Essex marched into Cornwall, the enemy removing before him: most of the garrisons near Plymouth, and on the borders of Devon and Cornwall were quitted by

the enemy. Mount Stamford, with four pieces of ordnance, was regained, Plimpton with eight pieces of ordnance, Salt-Ash, and a great fort with some great guns and many arms. Launceston and other small garrisons yielded to the general.

At Newbridge was a hot encounter betwixt a party of the general's and sir Richard Greenville, disputing the pass into Cornwall, but the general took the bridge with the loss of about forty of his men slain, and of the enemy about 200 killed and taken.

The general from thence went to Greenville's house, where the garrison desired a parley, but the general's soldiers had not patience to treat, but stormed it: all within had quarter, except the Irish rebels.

There were taken in the house two pieces of cannon, 150 prisoners, many arms, great pillage for the soldiers, money and plate to the value of 3000*l.*, and great quantities of provisions.

At Launceston, the shire-town, the country came in many of them to the general, and he had 2500 of the Plymouth forces that joined with him.

The king came to Exeter, and there joined with some forces of prince Maurice and of Hopton.

The propositions for peace were taken into debate by the house, and divers of them voted; the proceedings in them were the more slow, because of the Scots' concurrence to be required in every one of them. Debate of propositions.

Sir Philip Stapleton and Mr. Herbert came from the general to the parliament, and made report to the commons of the general's progress in the west, as beforementioned, and that the general came to Bodman in Cornwall: they desire the house to take care for supplies for the general's army, and that forces might be sent, to be in the rear of the king's army.

Sir Peter Osborn and sir Thomas Fanshaw, for deserting the parliament, whereof they were members, were discharged of their offices, which were conferred upon others.

A party of the lord Roberts' brigade was sent to pursue Greenville and his army, which was about 3000 strong, and fell upon him at Lestithiel in Cornwall, killed divers of Greenville's men, and took many prisoners.

The general took in Foy, a haven and place of importance,

with several ships there, and in all seventeen pieces of ordnance, and summoned the country to come in to his assistance.

By letters from the lord Inchequin, lord Brohale, and Burchet, from Ireland, they certify the parliament that they had thrust the rebels out of most part of the port-towns in Munster, that many considerable places there have declared for the parliament, and that those lords have 12,000 men in arms for the parliament's service: they desire some supplies, and send over a declaration of the protestants there against the cessation.

London petition. The city of London petitioned that obstructions in justice might be removed, that delinquents might be proceeded against speedily, and that the city debts might be paid out of delinquents' estates.

General Hastings for the king sent out a party to relieve Winkfield manor, besieged by the earl of Denbigh and sir
98 John Gell, who marched out with 500 horse, sent them lately by sir William Waller, fell upon the enemy, killed many of them, and took 150 prisoners.

The earl of Calender with some of the Scots forces took in Hartlepoole in the bishopric of Durham, and Stockton, places of importance, for the parliament; and another party of the Scots under sir John Meldrum besieged Liverpool in Lancashire.

French ambassador. The French ambassador sent a letter to the speaker, wherein he acknowledged that the parliament at Westminster was the parliament of England, and informed that he had a message to them from the king his master: this was referred to the committee concerning the Dutch ambassadors.

The commons gave 150*l.* gratuity to the governor of Lyme; and some provision of money, formerly ordered for Gloucester, was transferred to Plymouth, which was ill taken by colonel Massey.

Several ordinances passed for giving power to committees in several counties, and the Irish remonstrance was permitted to be printed.

Commissary Copley was enlarged upon bail.

A committee of the lawyers of the house were ordered to consider of the plea of the archbishop upon the act of oblivion, and to report their opinions to the house.

Captain Moulton did some service for the parliament in Pembrokeshire.

The earl of Antrim landed in the north of Scotland with 2500 Irish, and the marquis of Argyle went to resist them with a considerable army.

General Leven advanced toward Newcastle, to join with the earl of Calender in besieging that city.

Colonel Massey having drawn out his forces against Berkley-castle, colonel Myn with about 700 of the king's forces entered Gloucestershire, and began to spoil the country, and to straiten Gloucester. Massey.

Massey wheeled about and fought with them, slew colonel Myn, and about 100 of his men, and lieutenant colonel Mercy; and took one colonel, four majors, divers inferior officers, and about 300 common soldiers. Of his part colonel Hartley was shot in the arm, some others wounded, but not above three men slain.

Orders were made concerning relief to be sent to Ireland, and for supplies of the earl of Manchester's army, and the forces of sir William Waller.

Colonel Middleton sent up to the parliament from Sarum many copes, surplices, tippets, hoods, plate, and the picture of the virgin Mary, taken in the minster there, other relics being divided amongst the soldiers.

Colonel Doddington with a party of the king's forces came to Dorchester, and was repulsed by major Sydenham.

The commons ordered 250*l.* out of the lord Capel's woods to the widow of colonel Meldrum, slain in their service, and 50*l.* to another like widow.

They gave power to Waller for exchange of prisoners, except such as had been parliament-men, and some others.

A party of about 1600 from Oxford came to surprise sir William Waller's forces at Abington, but were repulsed, and sir Richard Grimes and some others of them slain, and about forty taken prisoners.

The three generals and the committee residing with them had a meeting, and consultation how to dispose of their forces for the service of the parliament, and agreed upon several considerable things, and concluded, that if any of the three armies should be in any distress, upon notice thereof all the others should come in to their assistance.

Montrose. The parliament in Scotland voted the earl of Montrose and other lords taking part against them to be traitors, and confiscated their estates.

The king, being joined with the lord Hopton and prince Maurice, followed general Essex into Cornwall, and drove away all the cattle, and took away all the provisions, to straiten the parliament's army.

The parliament ordered lieutenant-general Middleton, with the 3000 horse now with him, to march with all speed to the assistance of the lord-general, and 4000 horse more to be sent speedily after him, but it was too late.

Upon the motion of the assembly of divines, a day was appointed for public humiliation, to implore the assistance of God for the prosperous undertaking of the lord-general.

Divers of the county of Lincoln were desirous that colonel King might be restored to his commands in that country.

Colonel Hastings coming to plunder some carriers at Belgrave was beaten back with loss by a party from Leicester.

Newcastle. The earl of Calender took Gateside and blocked up Newcastle on that side, beating back a party of the garrison that sallied out upon him, and general Leven marched towards him.

Sir Thomas Middleton and sir William Brereton took about 320 horse of prince Rupert's regiment, sixty prisoners, many arms, and much pillage.

Colonel Ashton took 200 of the earl of Derby's horse near Preston.

Letters to Essex. Letters came from the lord-general from Lestithiel in Cornwall, and in them a letter inclosed from the king to the lord-general dated Aug. 6, with another letter from prince Maurice, and the earl of Brentford the king's general, dated Aug. 9, and another letter from the lord Hopton, and most of the king's chief officers, to the lord-general.

The king's letter was with more than ordinary mildness, inviting the general to join with him in that which is both their aims, to make the kingdom happy, and to engage the king to him in the highest degree, and if any shall oppose them, to make them happy against their wills, and promiseth great rewards to him and his army.

The letters from the others were to persuade the general to embrace his majesty's offer, and that if he would come

and treat with them, he should be as safe as in his own tent, and that a committee of both parties might be nominated to treat of those matters.

The general's answer was, that he was trusted by the parliament to fight and not to treat, and that he would not break the trust reposed in him, to treat without their consent. Answer.

The parliament ordered thanks to be returned to the lord-general for his care and fidelity, and supplies to be made for his army.

The assembly of divines communicated to the parliament a letter sent to them from the kirk of Scotland, lamenting that church government was not yet settled. Kirk.

Colonel Middleton joining with the forces under sir Anthony Ashley Cooper, Colonel Jepthson, and others, marched to Wareham in Dorsetshire, and furiously assaulting one of the outworks, beat the enemy into the town, and they rendered it upon terms, and three hundred of the garrison undertook to serve the parliament against the rebels in Ireland.

A party of the enemy being quartered about Bicester in Oxfordshire, captain Ennis met with them, and both parties fought desperately. Captain Ennis killed one that charged him furiously, and divers others of the king's party were killed and taken prisoners: after this they went to Bostal-house, where the garrison sallying out upon them were beaten back with loss. 99

Letters from the general certified that he had sent a party under colonel Beere and colonel Sheffield against Greenville, who was 1600 strong in foot, and 300 horse, and 5 drakes; that they had routed a party of his forces, and taken divers officers, and 80 men, and many horse.

Welbeck-house was surrendered to the earl of Manchester.

Mr. Darley, a member of the house, was released from his imprisonment in Scarborough-castle.

A letter from the lord Inchequin to the king was read in the house, wherein he declares his resolution to oppose the Irish rebels, and to defend Munster from them, and beseecheth his majesty to call in his proclamation, wherein he terms them *his subjects*, and to proclaim them (as indeed they are) *bloodthirsty and cruel rebels*.

The assembly had leave to debate the whole matter of the

ordinance for ordination of ministers, and for settling the government of the church. I attended that debate, and the question being there propounded to be put, that the government of the church by presbyteries is *jure divino*, I spake to that question in the assembly to this effect:

Jure divino.

Mr. Prolocutor,

I might blush to speak in this reverend assembly upon the question now in debate before you, had I not, by the honour of being one of your members, seen your candour to others, and observed you to be most able to give satisfaction to any scruples here, and to enable such as I am to satisfy objections abroad, whereof I have met with some, your question, it seems, not being under secrecy.

It is said, sir, that this question is very large and comprehensive, and they instance upon the terms of it, *government*, *church*, *presbyteries*, and *jure divino*; all which, they say, are of various significations, and your meaning by them not easy to be understood.

The word *government*, you well know, sir, is proper for the guidance of a ship: so Cicero useth it; *Et si in ipsa gubernatione, negligentia navis est eversa.* And so in Plutarch τέχνη κυβερνητικὴ is the act of steering a ship. And the Greek word κυβέρνησις, from whence some fetch our English word *government*, hath the same sense.

All take it for the prudent and well ordering and managing of persons and affairs, that men may live well and happily; and this I also take to be your sense in the word *government*.

The word *church*, I confess, admits more variety of interpretations, and I must not waste so much of your time, nor is it needful, to persons of your great learning, to reckon them.

And sometimes it is taken in the large sense of all believers, and sometimes in the sense of every particular congregation of God's people, and of believers in a nation, and you know the Greek poet takes ἐκκλησιάσουσαι for meetings of mirth or jollity.

But to take the word in the sense wherein it was first introduced by the popish clergy, I am sure, will not be admitted by you.

They used indeed many canting expressions, as, *ecclesiastical and lay—spiritual and temporal—church and state*, and the like; and all were to make a distinction between themselves and other men, that they might be accounted more holy, and as a distinct nation in the midst of the nation; to bring more reverence and privilege and money to them than otherwise they could obtain.

Some would say of the puritans, that they used a kind of canting language to bring them into the more scorn. I am sure the imputation

is more just upon the popish clergy; who by this canting would exclude all others but themselves to be of the church of Christ, and exalt themselves above their brethren.

Whereas doubtless, every one, though never so much (as they term him) a layman, is as much a member of the church (if he be a believer) as they that wear cowls or hoods or canonical coats or tippets.

But I suppose you mean by *government of the church* the ordering and ruling of matters and persons having relation to the worship of God in the meetings of his people in the church, or in things belonging thereunto, which by some are called *spiritual matters*.

Thereupon it is objected by some, that government being a civil thing cannot be exercised about things that are spiritual; government is only external, and spiritual things are only internal, not capable of being ordered by any but the Καρδιογνώστης, *the great Knower of hearts*, and are become the power of government of men.

But this notion may go too far perhaps; I hope to be informed by your learned debates to a clearer understanding of it, and shall pass to the next term of the question, *presbytery*.

This word, they say, was unknown till of late in the sense many do now use it; that among the Jews it was the highest honour and dignity given to the members of their great sanhedrim; and therefore is not now so properly to be attributed to the rulers of every small congregation: I am none of those, Mr. Prolocutor, who except against the presbyterian government; I think it hath a good foundation, and hath done much good in the church of Christ.

But, sir, whether this form of government be *jure divino* or not may possibly admit of some dispute, and whether it be now requisite for you to declare that it is so.

If the meaning be that it is *jure divino ecclesiastico*, then the question will be raised of the magistrate's imposing forms, and upon men's consciences, for then this will be the magistrate's imposition *jure divino ecclesiastico*.

But if the meaning be *jure divino absolutè*, this is more than an imposing by the magistrate; it is the precept of God, and they are in a sad condition, both magistrates and people, who are not under this government.

But it is objected that no form of government is *jure divino* in this or that particular, but in the general only—*Let all things be done decently and in order*. A government is *jure divino*, but whether this or that government, whether presbytery, episcopacy, independency, or any other form of government be *jure divino* or not, whether there be a prescript, rule, or express command of the holy scrip-

ture for any of these particulars will not be admitted by many men as a clear thing.

It may be therefore not unworthy your consideration, whether to give occasion for these disputes or not: if you shall think fit at this time to forbear to declare your judgments in this point, the truth nevertheless will continue the same, and not wronged thereby.

If this government be not *jure divino*, no opinion of any council can make it to be what it is not; and if it be *jure divino*, it continues so still, although you do not declare it to be so.

I therefore humbly submit it, sir, to your grave judgments, whether it be not better at this time, when disputes upon such subjects as these are too apt to be raised, to avoid giving occasion for them, which will but retard that settlement of government that is desired; and high time it were done.

And that you may be pleased to present your judgments to the parliament, that the government of the church by presbyteries is most agreeable to the word of God, and most fit to be settled in this kingdom, or in what other expressions, you may much better know than I, it is fit to clothe your questions; and I hope you may soon have a desired issue.

The ordinance passed for a council of war to be held for punishment of delinquents, and articles annexed to it; and it was ordered to be proclaimed in London and in all counties.

Goring, Langdale, and Mackworth appeared on the borders of Scotland with 4000 horse and 4000 foot, which caused the parliament there to send 5000 men to the borders, and to take care of their defence.

City. Divers of the propositions for a peace were passed, and the house sent to the city, that if they desired to have any thing inserted in the propositions, they would be willing to receive it: which was kindly taken by the city.

Macquere and Mac Mahon with a steel saw cut asunder the door of their chamber, swam over the Tower-ditch, and escaped away: the parliament ordered 100*l.* to any that should bring either of them alive or dead.

They ordered Waller to march into the west, and passed a new ordinance for the excise.

General Leven came also before Newcastle; he and Calender got possession of the bridge, and most of the inhabitants of the lower town fled to the high town for shelter; Leven summoned 3000 countrymen to come in with spades, mattocks, &c.

The earl of Warwick wrote that he had sent provisions by sea for the lord-general's army.

The lord-mayor and aldermen presented their desires to the parliament, to be inserted in the propositions for peace.

The besiegers made a breach in Basing-house, and took some prisoners of the garrison.

The earl of Manchester had Bozer-house surrendered to him upon articles.

An association was passed for Wilts, Dorset, Somerset, Devon, and Cornwall, and the earls of Northumberland, Pembroke, and Salisbury, lord Roberts, lord Bruce, and the knights and burgesses serving for those counties, had power, any eight of them, to appoint colonels and other officers, and to raise moneys, &c. Association.

The commons ordered some prizes unduly taken to be restored to the owners.

A party of prince Rupert's forces were fallen upon by some of the Lancaster forces and of the earl of Manchester, who slew 30, and took 100 of the prince's men prisoners.

Middleton encountered a party of the king's forces in Somersetshire, took about 200 horse, one colonel, divers inferior officers, and 38 common soldiers: he wrote also that the king's army was in such want of provisions that a penny loaf was there sold for sixpence.

The general's army and the king's often faced one another: the general's men took a captain and some inferior officers, and 48 common soldiers of sir Richard Greenville's own troop.

It was certified by letters, that sir Francis Doddington meeting an honest minister upon the way near Taunton, asked him, "Who art thou for, priest?" who answered, "For God and his gospel:" whereupon Doddington shot the minister to death.

The parliament ordered commissions of oyer and terminer to be executed, and appointed Mr. Hoyle, one of their members, to be lord mayor of York till the next day of election.

The committee of Sussex complained against colonel Apsley, one of them.

The lord Ogle and colonel Huddleston fell upon colonel Doddington near Latham-house, and worsted him, till colonel

Shuttleworth came in to Doddington's assistance, with some of the parliament's forces, and took 50 horse, 40 prisoners, and routed the rest: among the prisoners was the lord Ogle, colonel Huddleston, and other officers.

Brereton and Middleton faced Chester, out of which garrison colonel Marrow issued, and fell upon them, but was slain in the fight, and divers of his men killed and taken.

The next morning prince Rupert drew forth two of his best regiments of horse, and a party of foot, fell upon Brereton and Middleton, but they were beaten back to Chester, many of his men killed and taken; and in both these fights they certify that 400 of the enemy were killed and taken.

Middleton took thirty horse of one of the king's convoys near Bristol.

The commons took order touching the trade of fishing at Yarmouth, and a payment to be made by fishers.

Ireland. Six troops of the protestants in Ireland routed fifteen troops of the rebels, and had many miraculous successes against them: the parliament took care for supply of them.

The rebels in Ulster, with an army of 22,000, intended to have massacred all the English and Scots there, but the lord Monroe with 14,000 protestants fought with them, wholly dispersed and killed and took many thousands of them, and cattle, and other provision for a month, which the rebels left behind them, and whereof the protestants then were in great want.

The commissioners of the court-martial met, and had a list of all the prisoners, which they transmitted to the house for their direction.

Colonel Sands besieged Pomfret-castle, and took of the garrison forty horse and many cattle.

General Essex. Letters from the general certify, that Aug. 21 the king's army drew up near to the general in battalia, who sent out a forlorn hope and a party of horse and foot to second them; the forlorn fired, and retreated to the reserve, and they also charged the enemy, killed many, and forced the rest to retreat; and the lord-general kept the field that night.

That the next morning the enemy appeared again and was beaten back by the parliament's forces, who behaved themselves with very great courage, doing great execution, but the

certain number of the slain on either side was not known; that he hoped Middleton was on his way towards him.

The house ordered a letter of thanks to be written to his excellence, and to assure him that he should not want their utmost assistance.

The commissioners of the great seal ordered to grant commissions of sewers.

Middleton fell on a party of the king's forces in Lancashire: upon the first charge of them by colonel Booth, they fled, and were totally routed: the lord Biron and the lord Molyneux escaped by the darkness of the night: divers of them were killed, and many inferior officers and others taken. 101

By ordinance the wardship of the lord Brook was settled upon his mother.

Divers gentlemen and officers who were of the earl of Newcastle's army came into the parliament, desiring to make their compositions.

The commons being informed that the prince elector was landed at Gravesend, appointed a committee to attend him with salutations from the house, and to consider of his reception at Whitehall prepared for him. Prince elector.

An ordinance for liberty for foreigners to trade here, provided that they bring no ordnance, arms, nor ammunition, which shall be employed against the parliament.

Divers of Worcestershire offered to raise forces for the parliament, and an ordinance passed for that purpose.

Middleton took a troop of the king's horse near Exeter.

The prince elector was brought to Whitehall with great respect by a committee of parliament.

September 1644. Letters from the general to the parliament inform that they had the best in many skirmishes, and acknowledge God's goodness in delivering them and the whole army from a conspiracy of the enemy, to blow up two of his wagons with sixty barrels of powder in them. Plot.

That when they thought to have effected this design, they drew up their whole body towards that part of the parliament's army, expecting the blowing up of his magazine; upon which they intended to fall upon his forces, and not to have given quarter to any of them.

This plot was so closely carried, and so near effecting, that in each of the wagons an engine was placed to do the work,

the ends of them fastened to lighted matches, which were burnt within an inch of the wildfire when it was discovered, and the other match was burnt to the very neck of the engine where it was to give fire, and there the coal of itself went out.

The engine was sent up and shewed to the parliament, by which the strangeness of it and the miraculous deliverance from that plot appeared.

Letter from Essex. The letter concludes:

> If succour come not speedily, we shall be put to great extremity: if we were in a country where we could force the enemy to fight, it would be some comfort, but this country consists so much upon passes, that he who can subsist longest must have the better of it; which is a great grief to me, who have the command of so many gallant men. My lords, I am sorry I have no discourse more pleasing, resting Your faithful servant,
>
> Essex.

Upon this letter the house ordered that the earl of Manchester should send a party of horse and foot for the assistance of the general; but neither any from him, who was indeed furthest off, nor of Waller's forces, (who, some thought, did not make much haste in this business,) nor Middleton, nor any other of the parliament's forces, but his own army came up to give him any the least assistance.

Liberty was given to delinquents' who were gone beyond sea to return hither to make their compositions with the parliament.

Pr. elector. A message of compliment was sent to the prince elector, and likewise to acquaint his highness, that the parliament conceived that his residence at this time in foreign parts might be of greater advantage to the public.

Indeed the parliament were jealous, considering his near relation to the king, and the engagements of his brothers in the king's service, that the prince elector would do no good offices for the parliament here.

Laud. The archbishop was again brought to the bar of the lords' house, where he made his last general defence to the charge against him, and a day was appointed for the commons to make their reply.

In the archbishop's diary under his own hand are passages

of his being offered to be made a cardinal, which he said that he could not suffer, till Rome were other than it is.

The prince elector sent a message to the parliament, that he held himself much obliged to them for their former favours; that his coming was to express that in person which he had often done by letters, of his affection to them, and the cause which they maintain; and to take off such jealousies as the actions of his nearest kindred or ill offices of the enemy might by his absence cast upon him. Pr. elector.

That his wishes are constant for their good success, for a thorough reformation, and his desires are to be ruled and advised by their grave counsels, and would be ready to serve them.

Sir William Brereton's letters informed, that he sent colonel Jones with a party, who fell upon 2000 horse of prince Rupert's about Malpas, took 140 horse, two majors, and divers inferior officers and soldiers; slew colonel Baines and colonel Connyers in the place, with three majors, and 100 common soldiers, routed the whole brigade, and forced them to fly back to Chester, and sir Marmaduke Langdale was wounded in the fight. Col. Jones.

This colonel Jones was a barrister at law, a gentleman *tam Marte quam Mercurio*, and shews that the undertaking of a civil profession doth not disable, but rather further a man in martial affairs when there is occasion of trial.

Major Dowet, marching with a party of the parliament's forces in Somersetshire, was set upon by captain Poulton, whom he took prisoner, with his lieutenant, thirty horse, and twenty soldiers, and routed all the party.

Colonel Sands for the parliament besieged Pomfret-castle, and sir Thomas Fairfax was before Hemsley-castle, where he was shot into his shoulder, and well again.

The commons took order to reconcile some private differences between some major-generals and the associations under them.

Colonel Purefoy and colonel Boswell came up with forces and some ordnance to assist the besiegers of Banbury.

Sir William Waller lay still at Farnham near Basing-house.

The commissioners for the court-martial kept a particular

fast-day, to pray to God for his directions to them in that business.

A committee was appointed to meet with the common council of London, and to advise with them touching the business of farthings.

Waller. Letters from sir William Waller desire the supplies allotted to him may be speedily sent, and the forces that are to join with him: he expresseth his forwardness to assist the lord-general, and calls the God of heaven to witness it is not his fault, and wisheth the blood and infamy may rest on the
102 heads of them that lay obstructions in his way, averring that if money cannot be had, he will march without it.

Middleton. That he received a letter from lieutenant-general Middleton, who is advanced as far as he can to relieve the lord-general, but he hears there is a very great party of the king's army drawn out to meet him, and yet keep the lord-general at a bay. That he desires nothing more under God than to be able to march, and no fault shall be found in him.

By letters from Plymouth the house were certified touching the making of provisions for the lord-general's army, and that many prisoners had taken the covenant, and freely undertook to serve the parliament against the Irish rebels.

That at Lestithiel the duty hath been so constant and various, the enemy so near and vigilant, that we cannot muster; we have sick men sent hither, who if not timely sent, do die soon after they come here, fresh diet being their only cure.

The chirurgeons of the army are ill stored with provisions, some not having to the value of ten shillings.

The enemy increaseth daily upon our quarters; the loss of Foy-harbour is to our infinite disadvantage, no ships being able to ride out of the command of their guns. The lord admiral made a gallant attempt to have regained the harbour, but extremity of weather would not suffer him to land one man.

Major Skippon's glove and sleeve was shot through, and his buff in two places, and he had no harm.

Additional forces being come to sir William Waller, he advanced with them westward, to join with Middleton and Massey, to make up a body to relieve the lord-general; and

4000 foot and 3000 horse from the earl of Manchester were upon their march to assist the general, but all of them had lost too much time.

Letters from the general informed, that the king with all his power drew out upon him; that he sent out several parties that skirmished with them; at length a great party of the horse being engaged, they slew many of the enemy, and forced their passage through the king's army, and through the numerousness of the enemy could hardly retreat, so that the foot being left to stand upon their own guard in a place of advantage, there was a parley entered into, by which it was agreed that major Skippon, who fought like a lion with the foot, should march away with the loss of some ordnance and ammunition, and have a safe conduct for 6000 foot to Dorchester. Gen. Essex defeated.

By this and several other letters we may observe how the parliament officers sought to lessen this defeat received by them, and to conceal the full truth thereof from the parliament, which is usual with some to lessen their defeats and to enlarge their victories.

On the king's part it was said that general Essex with most of his chief commanders deserted their whole army, and saved themselves by flight by sea.

That their horse, pretending to skirmish, got beyond the king's army, and so escaped by this way, and left the foot to shift for themselves.

That the foot were totally dispersed and disarmed, and submitted to the king's mercy, who gave them their lives, and took all their ordnance, arms, and ammunition; and thus gave a total defeat to the parliament's main army.

By this we may see the great difference in relations of martial performances, always according to the particular interest of the relaters; and it is certain, that in a fight the next man can hardly make a certain relation of the actions of him that was next in place to him. Different relations.

For in such a hurry and smoke as is in a fight, and when a man scarce takes notice of any thing but what relates to his own immediate safety, it is hard to give any clear account of particular passages, but the general will make way for itself by the consequence and issue.

Therefore, for better satisfaction, I shall give an impartial The true account.

relation of that action in Cornwall, neither favouring nor censuring the one side or the other, as it ought to be the temper of all faithful historians.

The king marched after Essex, who was gone westward, and by the overruling counsel of the lord Roberts was persuaded into the narrow noose of Cornwall.

The king came to Liskerd, eight miles from Lestithiel where Essex was, and was there encompassed by the king and prince Maurice at Boconnock, sir Richard Greenville at Bodmyn, and sir Jacob Ashley at Hule.

The king's party were desirous to fight, but upon consultation it was held more advisable to starve the parliament's forces; to which end Goring, with a party of horse, and sir Tho. Basset, with fifteen hundred foot, were sent westward to stop all provisions that way, and to straiten Essex, by keeping his horse and foot close together.

Essex drew his cannon and baggage towards Foy, but in those bad ways his carriages stuck, and they were much hindered by it.

Sir William Belfore, with two thousand three hundred horse, brake through the king's quarters, and got to Saltash, and from thence to Plymouth.

The king pursues his advantage against Essex's foot with great wisdom and gallantry, and they made a stout resistance; but being overpowered by the king's forces which lay round about them, and then the country rising in great numbers upon them, and killing divers of their men in their quarters, Essex quits his own forces, and with divers of his chief officers makes by sea for Plymouth, leaving Skippon with the foot, and a few horse behind him.

Some came by design to the parliament's forces, intimating that the king was willing to admit of a treaty with them, and it was great wisdom and gallantry in the king rather to defeat them with their own consents than to hazard the doubtful trial of a battle for it.

Skippon. Skippon calls together his field-officers to a council of war, and being more a soldier than an orator, spake plainly to them to this purpose:

Gentlemen,

You see our general and many of our chief officers have thought fit to leave us, and our horse are got away; we are left alone upon

our defence; that which I propound to you is this, that we having the same courage as our horse had, and the same God to assist us, may make the same trial of our fortunes, and endeavour to make our way through our enemies as they have done; and account it better to die with honour and faithfulness than to live dishonourably.

Few of the council of war did concur with him, but were generally for a treaty with the king, alleging the advantages the horse had to break through the enemy, which the foot had not, and that the general was then with them, and added 103
courage to his men: whereas the foot were now more dismayed by his going away, and having few or no horse to assist them; and other arguments were alleged to accept of a treaty; and accordingly commissioners on both parts were appointed.

For the king were prince Maurice, general Ruthen, and the lord Digby; for the parliament were colonel Berkley, colonel Wichcotes, and colonel Butler; who agreed upon articles, Sept. 2, to this effect:

To deliver up to the king all their artillery, with all their Articles.
bag and baggage; no person under a corporal to wear any kind of weapon, all officers above to wear only sword and pistols. There were delivered up 40 pieces of brass ordnance, 200 barrels of powder, match and bullet proportionable, 9000 arms for horse and foot.

Some of the private soldiers listed themselves in the king's service; and some of the rest, as they marched forth, being pillaged by the king's soldiers, Skippon rode up to the king, who stood to see them pass by, and told him it was against his honour and justice that his articles should not be performed; that his soldiers did pillage some of the parliament's soldiers, contrary to the articles, and desired his majesty to give order to restrain them. The king thereupon gave a more strict command for the punctual observation of the articles; and Skippon with his men marched to Poole.

We may take notice by this chiefly, and by several other passages, of the uncertain issues of war, and of the overruling hand of Providence in martial affairs, as much if not more than in other matters.

It was but a few weeks before that Essex and Waller, with two great armies, were in pursuit of the king, who could

scarce find a way to avoid them, and the parliament's power and expectation was far above that of the king.

Now the die of war is turned another way: the parliament's army is defeated, disarmed, and dispersed, and the king becomes victorious.

This did much affright some of the parliament's party, and caused several discourses among them.

Essex blamed.

Divers who were no friends to Essex inveighed against him, as one that had quitted his command and deserted his army in the greatest danger; others excused and commended him for this action, by which means only he could reserve himself, his officers, and soldiers to do the parliament further service.

Others condemned Waller, Manchester, and Middleton, for not hastening more to the assistance of the general. Every one vented his own fancy and censure, but doubtless he was a person of as much integrity, courage, and honour as any in his age. He was brought into this noose by the wilfulness of others; and though his enemies took advantage against him upon it, yet many thought others to be more in fault than the general.

Letters from Scotland informed the parliament that the marquis of Argyle had taken 500 of the rebels which came over with the earl of Antrim to disturb the peace of that kingdom.

The general having thoughts to come up to the parliament, to give them a particular account of this unhappy action, and to excuse himself to the parliament, they wrote to him that they continue fully satisfied that he was not wanting to use his utmost endeavours in that service, and were well assured of his fidelity; desiring him to entertain no thoughts of discontent or discouragement, but to go on in the managing of the war, sir Will. Waller and other forces being ready to join with him.

Excused by the parliament.

The commons took order for supplies of clothes and arms for his soldiers, and for the earl of Manchester's marching towards him, and appointed a day of public humiliation.

The sickness being at St. James's, the parliament ordered the removal of the king's children from thence to Whitehall.

Colonel William Strowde wrote to the house, that 300 men of the adjacent parts were come to him to serve the parlia-

ment, and that he had sent from Wareham 1000 arms to the lord-general.

A committee of both houses were sent to give entertainment to the chancellor of Scotland, who was newly come to town.

The lord Roberts was made governor of Plymouth.

By letters from sir Thomas Middleton the house was informed that lieutenant-colonel Tyll, being sent by him, took sir Thomas Gardiner, the recorder's son, with his officers, and forty of his troopers, prisoners, and the rest fled; that he also took two colours, and four wain-load of powder and ammunition.

Lieutenant-general Lesley fell upon the forces of sir Philip Musgrave and colonel Fletcher in Westmorland, killed divers on the place, took above 100 prisoners, two foot-colours, a standard, and scattered the rest. Lesley.

The king marched out of Cornwall, and sent a summons to Plymouth to be rendered to him; but they returned a positive answer in the negative.

Prince Rupert marched towards the king, but with a small force.

About 1500 of the king's foot, out of several garrisons, mounted for dragoons, by night marched towards Basing-house. Colonel Norton and colonel Morley took the alarm; Norton charged them, and brake through them; but they with great courage wheeled about, and charged Norton's whole body, who retreated unto colonel Morley's quarters.

In the meantime they got some supplies of ammunition and provisions into the house. Norton and Morley faced them, but they would not fight, but retreated back again, and were pursued, and 150 of them killed and taken; one major, with other inferior officers. Norton had a slight hurt in the hand, and lost but one man; but the house was relieved.

This party of the king's gave an alarm to Browne at Abington, who shortly after gave an alarm to them at Oxford, and brought away 40 of their fat cattle, salt, and other provisions.

Sir Rich. Greenville attempted thrice by storm to enter Plymouth, but was repulsed.

Middleton routed prince Rupert in his passage towards the

king with seven hundred horse, took divers of his officers and about ninety common soldiers prisoners.

Brereton routed the earl of Derby coming to relieve Liverpool, and killed and took five hundred of them, and put the rest to flight.

Major-general Browne was not a little dissatisfied with matters relating to his charge, as appears by this letter from him to me:

Honoured Sir,

I received your letter, do well approve of the completing my regiment, and of the Windsor, but shall advise it may be forborne unless there can be a more certain way of paying them, else you will
104 (as we do daily) lose both men and arms. I have been constrained, for want of money, to send for victuals into the country for the poor hungry soldiers; am now forbidden that, both by the comptroller at Aylesbury and Reading; truly, sir, we cannot, must not starve. Sir, I pray suffer me, from the civility I have always found from you and shall acknowledge, to assure you, that as I have endeavoured to my utmost the service of these counties, so I shall be as willing, (might I receive any encouragements,) but these things and many other make me request, that I may rather be discharged from the employment, than thus labour under so many wearing griefs. Sir, I thank you for your letter and respects, shall never forget those formerly received, and still preserved in the memory of

Your thankful friend and servant,

Richard Browne.

Abington, September 16, 1644.

An ordinance passed the commons for ordination of ministers, and was sent to the assembly for them to add ministers' names who should give ordination.

A difference was between the lord Grey and the association of Leicestershire.

Summons to Plymouth.

The king sent a summons to Plymouth, that God having given him victory over the rebels, he desired to reduce his people by acts of grace; and promised especial favour to Plymouth if they would render the town to him, and that they should have no garrison.

A letter was likewise sent at the same time from the lord Digby to the lord Roberts, inviting him, upon high engagements of preferment and honour from the king, to surrender the town up to him. But they prevailed neither with the go-

vernor nor with the townsmen, but they all prepared for defence: and the enemy endeavouring the same day to storm the west end of the town were repulsed with great loss: in which action the seamen did gallant service.

The king's whole army besieged the town, but they having four thousand foot and eight hundred horse did not much fear their besiegers; but the lord Roberts wrote for some supplies, which were ordered for them.

A letter from the king was brought to the parliament, declaring his affections for peace; and concluding, that God had given him a late victory, and therefore he desires them to consider of his long rejected message from Evesham; which was for peace, but not till this time brought to the parliament. Letter from the king.

The parliament appointed a day to take this into consideration, and ordered all officers and soldiers to repair to their colours, on pain to be proceeded against by the commissioners for martial law.

Mr. Hoyle was put into sir Peter Osborn's office, and Mr. Salway into sir Thomas Fanshaw's place in the exchequer; and several judges went into the counties which were quiet, to keep assizes, and to execute the commissions of oyer and terminer.

Colonel Cromwell was sent with two thousand horse to meet prince Rupert, coming to relieve Banbury; but colonel Massey had before prevented the prince's coming.

The Irish rebels that landed in Scotland were beaten into the mountains by the marquis of Argyle and lord Gordon.

Upon debate of the king's letter, it was held not to be a sufficient acknowledgment of the parliament, and therefore laid by: yet the house went on to complete the propositions for peace, and a day was appointed for the bringing in the names of such delinquents as should be excepted from pardon.

Divers ministers of London presented a petition to the parliament for despatch of the directory of worship, and settling of pure discipline and government according to the word of God; and complained of the schisms in the church. Ministers' petition.

The petitioners had thanks from the house; and the committee of lords and commons appointed to confer with the assembly, to endeavour to reconcile some differences among

them, and to find out a way how tender consciences may be borne withal, so far as may stand with the peace of the kingdom and the word of God.

The assembly named 23 ministers to give ordination, who were passed.

The commons considered of the propositions for peace. The lord Macquire and Macmahon, who escaped out of the Tower, were again apprehended by the lieutenant of the Tower and sir John Clotworthy; and upon a report from a committee of lawyers, it was ordered that they should be tried by a commission of oyer and terminer, and not by martial law.

French agent.

The French agent lay at the same house where Macquire and Macmahon were taken, and had a chief hand in their escape, and opposed the officers' searching in that house for papers, &c., because he lodged there.

But a committee of both houses were appointed to search there, and did so, notwithstanding the agent's pretences.

A committee of lawyers was appointed to meet daily about the trial of the archbishop, till the same should be despatched.

The parliament ordered all the forces of the earl of Manchester and of sir William Waller to join together, and advance into the west.

The ordinance passed for the militia in Worcestershire.

About eighty of the Leicester horse, in convoy of some carriers, were set upon by 120 of colonel Hastings's men; but the 80 routed and dispersed the 120, killed 8, and took 60 of them prisoners, and store of arms.

Mountgomery-castle.

By letters from sir Thomas Middleton it was certified, that he having taken Mountgomery-castle was forced to retreat upon the coming of the king's forces thither, who again besieged the castle with five thousand men. And Middleton being joined with Brereton, sir John Meldrum, and sir William Fairfax, in all about three thousand, they marched to relieve the castle, and were fought with by the enemy, who came up gallantly a good while to push of pike, and worsted the parliament's horse, which so encouraged the king's forces, that they shouted, and cried, *The day is ours! the day is ours!* At which the parliament's forces were so enraged, that they came on again with a fresh charge, and wholly

routed and put them to flight, took prisoners major-general Broughton, colonel sir Thomas Tilsley, lieutenant-colonel Bludwell, major Williams, nine captains, many inferior officers, and fifteen hundred common soldiers.

Of the king's part were slain about three hundred, and about five hundred wounded: of the parliament part were slain, sir William Fairfax with eleven wounds, and major Fitz Symons, and about forty common soldiers, and about sixty wounded. The lord Biron, who commanded the king's forces, hardly escaped by the goodness of his horse.

Upon letters from my lord Roberts, both houses took care 105
for supplies for Plymouth, and their other western garrisons.

The king came to Exeter, and gave order to remove all superfluous persons forth of the town, and for the country to bring in thither all their provisions.

About forty prisoners of quality were brought from Plymouth to London, and committed to Lambeth-house. After the siege was raised before Plymouth, and the king gone to Exeter, yet the Cornish men continued near the town, to stop provisions coming to them by land, but were driven away again.

Many of the prisoners taken at Mountgomery being willing to take the covenant, and to serve against the rebels in Ireland, the parliament, to avoid the inconvenience of many prisoners, consented thereunto, and gave order for their transportation.

The commons came near to a conclusion of their debate touching the propositions for peace.

Orders were sent to the earl of Manchester and sir William Waller to advance together with all expedition, to prevent the king's return back to Oxford, and took care for supplies for them, and for the lord-general.

The commissioners for the court-martial proceeded in the trial of Mr. Waller, and upon his former examinations he was earnestly pressed to confess what members of parliament were acquainted with his design, and promised favour if he would discover them; and he was asked whether such and such by name were not by him or his complotters acquainted with it.

He did not name any on his examination, but said, that whilst the design was in agitation he came to the countess

of Kent's house in Whitefriars, where he found together Mr. Pierrepoint, Mr. Selden, and Mr. Whitelocke in Selden's study, and he intended to acquaint them with his design, and to have their advice in it. But first he discoursed them in general, how easy it might be to effect such a design in London, where so many of the king's friends and servants were, and that all those three gentlemen declared their opinions wholly against any such plots, and held them to be base and ridiculous.

That thereupon Mr. Waller said, he did not think it fit or safe to mention the design to any of them, and that he found a kind of awe upon his spirits, forbidding him to impart any thing of that matter unto them.

This was revealed to me from the committee who examined him, and was a true passage.

The parliament sent thanks to sir Thomas Middleton, sir William Brereton, and sir John Meldrum, for their good service at Mountgomery, and, which was more acceptable, took order for supplies for them: the lord Cherbury and sir John Price came in to the parliament.

Massey fell upon a party of the king's between Bristol and Monmouth, took their commander-in-chief, and ten others, and a hundred and sixty common soldiers, two hundred arms, and two pieces of ordnance.

The king's forces besieged Barnstable, which rendered to them upon conditions, which they afterwards broke, pillaged the parliament's soldiers, plundered the town, executed the major, and imprisoned many of the inhabitants.

Colonel Ludlow took eighty of the king's commissioners of array in Somersetshire, and captain Savile took twenty of prince Rupert's men prisoners.

Scarborough.

Sir Thomas Fairfax recovered of his wound, and sir H. Cholmly offered to surrender Scarborough-castle to the parliament; but now upon the news of the king's victory in the west he revictuals it again, and is again wholly for the king; whereupon the lord Fairfax sent sir William Constable with a strong party to besiege the castle.

Colonel Ware revolted from the lord-general in the west, to the king, and another colonel quitted his post, and the matters of that nature were referred to a committee, to be examined.

A day was set apart by the commons for receiving private petitions.

At Basing-house the besiegers took an outwork, a captain, and twenty-eight soldiers, who defended it.

At Banbury they made a breach, and some of the parliament's soldiers endeavouring to enter were beaten back by the garrison.

Colonel Smith of Bucks escaped out of prison, and was retaken.

Letters from the lord-general informed that the king was drawn from Exeter near Shaftesbury, where sir Willian Waller was. That they would endeavour to prevent his coming to Bristol, or back again to Oxford, and they desire that the earl of Manchester may hasten to join with them.

The king took up a great number of horses in the country as he passed, to the high distaste and prejudice of the inhabitants; and his majesty by this means mounted all his foot, and made them dragoons.

Many gentlemen of Wales came in to the parliament, and rendered themselves to sir Thomas Middleton.

Sir William Brereton took more of the king's forces near Chester.

Captain Swanley's forces increased in South Wales, many of the country coming in to him.

Petition. Colonel Leigh presented a petition to the commons, subscribed by four thousand Staffordshire men, praying, that the differences between the earl of Denbigh their general and some of the country might be reconciled, and the earl sent down again amongst them. Upon delivery whereof, the colonel made a long harangue to the commons, and all was referred to a committee.

Colonel Butler, suspected of miscarriage in the west, was sent up by the general to be examined.

Committee with the army. The order passed the commons' house thereupon, for a select committee to go along with the army, and to advise with the council of war upon all occurrences.

Colonel Kerle, who revolted from the parliament upon the loss of Bristol, went out with a party near to Monmouth to fetch provisions, and being full of jollity and security, colonel Massey fell upon them in the midst of their mirth, and surprised them.

Kerle, doubting that he should not have quarter, because he had revolted from the parliament, to make some recompense, he undertook to bring Massey into Monmouth, and himself to march in the front, which was concluded accordingly.

Monmouth surprised.

When they came to the guards, they thinking them to be their own men let down the drawbridge, and received them into the town, who demanded it for the parliament; at which the garrison was so amazed, that many of them fled away and left their arms, the rest called for quarter; and so the town and castle, being of great consequence, was reduced to the parliament, with the loss of not above six men on both parties.

106 The new sheriffs of London were presented at the exchequer by a speech of Mr. Glyn the recorder.

October, 1644. The commons entered upon consideration of electing new members in the room of those who were dead, or expelled by vote.

The library belonging to the see of Canterbury was given to Sion college.

The ordinance for ordination of ministers passed both houses.

The popish party in Scotland submitted themselves, and the lord Argyle pursued the Irish rebels into the Highlands; whereupon the earl of Calender returned again to the league before Newcastle.

The garrison there made many sallies upon the besiegers, and were beaten back with loss.

The commissioners of array in Cumberland and Westmorland met to feast and consult about raising more forces for the king, and the country people rose up against them, took forty of them prisoners, and sent them to general Lesley.

One Greenville, a kinsman of sir Richard Greenville, was persuaded into a plot to betray Plymouth to sir Richard, but the plot was discovered, and Mr. Greenville executed: but the king honoured sir Richard with the title of baron of Lestithiel.

Waller sent out a party of two hundred horse to Evill, under major Clutterbocke, who met a party of the king's forces, and took divers of them prisoners: and presently after, meeting another party, of about three hundred of the

king's horse drawn up into a body, whose commander came out from the head of his troops singly, this caused major Clutterbocke to do the like, and they two skirmished before their parties.

The king's forces seeing their commander likely to have the worst came in hastily to his rescue, and slew Clutterbocke before his men came in, and they upon the loss of their major were so discouraged, that they wheeled about, and retreated from their enemy.

The commons set apart a day for redress of private grievances, and gave much satisfaction to divers thereof.

Colonel Rosseter gave a blow to the king's forces about Newark.

Mr. Prynne, Mr. Bradshaw, and Mr. Newdigate were appointed to be of counsel for the state against Macquire and Macmahon, the Irish rebels, at their trial appointed to be before commissioners of oyer and terminer.

The commons voted in the case of the archbishop that his counsel should be heard in point of law, whether in the charge against him there be contained any treason? But that they ought not to speak to any exceptions therein for matter or form. Laud.

Colonel Bliere laid down his commission, and had leave to go beyond sea, and part of his arrears paid.

The militia of London desired the passing of an ordinance for the sending forth five regiments of the city for a reserve of the armies, and for supplies for them, which passed both houses the same day.

A declaration was agreed upon to be sent to the king of France, to excuse the business of the search for Macquire and Macmahon in the house where the French agent lay. France.

Essex, Manchester, and Waller all took the field, to encounter the king's forces in their march to Oxford; and all officers and soldiers in London were commanded forthwith to repair to their colours.

Colonel Jepson's garrison at Portsmouth was completed to one thousand foot and a hundred horse.

Chester was blocked up by Brereton.

A party of colonel Hastings his men came to Loughborough on the Lord's day, rode into the church in sermon time, and

would have taken away the preacher out of the pulpit, but the women rescued him, and proved then more valiant than their husbands, or Hastings his men.

An ordinance was appointed to be brought in for augmentation of the means of ministers, where their maintenance was very small, and that to be out of deans' and chapters' lands.

A party of the king's forces surprised and took in Crowland.

Colonel Hurrey, who revolted from the parliament when colonel Hampden was slain, and served the king, had now obtained his majesty's pass to go beyond sea, and came to sir William Waller to desire the like pass from him, who refused to do it, but sent him up to the committee of both kingdoms.

The counties of Norfolk and of Cambridge petitioned for their security in the earl of Manchester's absence, and some assistance for the pay of his army.

The commons ordered that no carter coming to London should be pressed for a soldier.

The commons appointed to take in consideration the propositions for peace every day till they should perfect them.

Mr. Hoyle, a member of the house of commons, was by general approbation chosen lord mayor of York, and took his place there.

A party of the king's from Skipton fell upon colonel Maleverer's quarters at Rippon, and took about twenty of his horse.

Court-marshal. The court-marshal condemned three men; one captain Syppins, for endeavouring to betray Guernsey; one Francis Pits, who was employed by sir Richard Leveson to betray Russel-hall in Staffordshire; and William James, a foot soldier, for running away from his colours.

The trial of Macquire and Macmahon was altered, and ordered to be in the king's bench; and Mr. Rolles, with the others before named, appointed to be counsel against them.

Sir Edward Hungerford and sir Nevill Poole were sent down into Wiltshire for the service of that county.

Sir Henry Mildmay got an order for his salary as master of the jewel-house to the king.

Colonel Hammond, who killed major Grey at Gloucester, for giving him the lie, was referred to be tried by the council of war in the lord-general's army.

Some of the king's plate was ordered to be sold or pawned for 3000*l.*, for Abington and Reading forces, and that the plate amongst the regalia which had crucifixes or superstitious pictures should be disposed of for the public service.

A letter of thanks ordered to colonel Ceely, governor of Lyme.

All governors of forts and garrisons were prohibited coming to London, unless sent by the general, or sent for by the parliament, or committee of both kingdoms.

Sir Thomas Middleton took in Redcastle in Wales, with the lord Powys, three captains, divers inferior officers, forty horse, 200 arms, and store of pillage.

Upon the case of colonel Warren, it was ordered, that no officer who formerly received pay from the state, and was afterwards taken by the parliament's forces in arms against 107
them, should be exchanged for other prisoners.

Prince Rupert removed sir Francis Hawley from being governor of Bristol, and turned out the governor of Berkley-castle, and put an Irish rebel in his place.

The commons were very busy in providing moneys and other supplies for their forces in England and Ireland.

The archbishop was brought to the lords' house, and his Laud.
counsel heard to the matter of law.

The Swedish general Tortoison beat Gallas the emperor's general, took all his cannon and baggage, killed many of his foot and routed all the rest, and pursued his horse to Willingborough.

A great fire in Oxford burnt up near a fourth part of the city, from one end of it to the other.

The city brigade marched forth under the command of sir James Harrington.

The lord Herbert, son to the earl of Worcester, with fifteen hundred men, came against a garrison of the parliament's between Gloucester and Monmouth, and colonel Massey coming to relieve them, routed the lord Herbert's forces, killed fifty, and took sixty prisoners, and good prize.

A letter of thanks was written to Massey for all his good services.

Upon major-general Skippon's desire the captain was reprieved who endeavoured to have betrayed Guernsey.

Doctor Bastwick's wife had an allowance ordered for her and her husband's maintenance.

Colonel Harley, sir Robert Harley's son, was made governor of Monmouth.

Relief was ordered to the well-affected inhabitants of Jersey.

An ordinance passed for the preservation of Hyde-park, and the timber and pales from spoil.

A party from Plymouth took in Saltashe.

Those before Basing-house sent for more supplies of men.

The lords at a conference gave their reasons why they thought not fit to agree to the ordinance for selling the king's plate; but the commons adhered to their former vote; and ordered 3000*l.* out of the earl of Thanet's fine, for supply of the forces of Berks and Oxon.

The commons agreed upon all the propositions for peace to be sent to the king, and took the city propositions in debate to be sent with the other.

The forces of sir Thomas Fairfax and colonel Roseter blocked up Crowland.

Colonel Birch had an allowance for his reparation of losses from the parliament.

Sir Alexander Denton was ordered to be exchanged for sir John Norcot, a member of parliament, and judge Mallet was exchanged.

Many orders were made touching foreign ships stayed here, and to do right in those cases.

The commons debated the sending forth of new writs, to choose new members in the places of those who were dead or expelled the house.

Duncannon, a considerable fort in Ireland, yielded to the parliament, and most of the officers and soldiers there took the covenant.

Many orders for money, and supplies for the forces, and for all the forces of the parliament to join together, to hinder the king's march to Oxford.

An order for encouragement of the officers and workmen in the mint.

Sir William Waller and the earl of Manchester joined

together, and both of them wrote that the king marched as if he intended to fight, and they desired some supplies, which were sent to them.

The parliament appointed a day of humiliation and prayer to God for a blessing upon their forces, now likely to engage in battle.

A price was set upon coals, and a woodmonger ordered to be indicted for engrossing of coals, and the admiral ordered to compel some coal-ships at Harwich to come into the river Thames.

Sir John Holland had leave to stay in Holland for six months.

Three thousand of the king's forces besieged Taunton, and the governor, colonel Blake, sent out a party who fell upon the besiegers, killed and took many of them, whereof some commanders. Taunton.

Sir Hugh Cholmly set out some vessels, which took some coal-ships coming from London, and the parliament ordered some ships of war to lie on that coast.

Some ships coming in, the parliament gave order for the present payment of the mariners.

The propositions for peace were agreed upon by the commons.

A party of the king's coming to Beachly upon Severn, to fortify there, colonel Massey fell upon them, slew seventy of them on the place, took about a hundred and seventy prisoners, two pieces of cannon and two hundred arms, with the loss of but ten men.

Colonel Charles Fleetwood took two troops of the king's horse near Belvoir-castle.

Doctor Bastwick was exchanged for colonel Huddleston.

Jeffreys, the queen's dwarf, in a duel on horseback in France, killed Mr. Crofts.

Colonel Temple was sent into Sussex to raise forces for the parliament, in case the king should bend that way.

The king's army marched to Andover, where some skirmishes were betwixt them and sir William Waller's forces, and about twenty killed on both sides.

Colonel Kerne had the thanks of the house for his good service, and was sent down to his charge in the Isle of Wight.

The three armies joined.

By letters from the lord Wareston and Mr. Crew, commissioners in the parliament's army, was certified, that all the three armies were joined near to Basing, and that the king's forces were at Whitchurch within five miles of them. That the general had sent to Reading and other places to pull up their bridges, to prevent the king's march to Oxford. And that the council of war had resolved to give battle to the enemy.

The parliament took care for provisions to be sent to their forces.

The governor of Poole set upon the queen's regiment of horse, marching that way near Blandford, slew sixteen of them, took about forty prisoners, a hundred brave horse, two colours and much popish trumpery, and lost but one man, and a few hurt.

Colonel Lambert fell upon a party of the king's horse near Plumpton in Yorkshire, took about a hundred and forty horse, the commander-in-chief, an Irish rebel, three captains, and many prisoners.

Newbury.

The king faced the parliament's armies with his horse, and in the mean time drew away his foot towards Newbury, whither he followed with the horse; captain Fincher, waiting on their march, surprised sixty of their horse.

Orders were sent to the several counties to be in a posture
108 of defence, and the chirurgeons were sent down with medicaments to the army, and Mr. Bell to provide them.

An ordinance passed that no quarter should be given to any of the Irish rebels taken either at sea or land.

By a letter from Pembroke was certified, that some of prince Rupert's forces, particularly of the Irish rebels, drove away their cattle, rifled their houses, eat and destroyed all their provisions, burnt their villages and standing corn, destroyed all sexes and degrees.

Aged and unarmed persons were stripped naked by them, and some they inhumanly murdered in cold blood, others they half hanged, and afterwards stigmatized and burnt their flesh off from their bodies to the bare bones, and yet suffered them to live in great torture.

The commons ordered that all the judges and king's council should meet, to consider of the trial of Macquire and Macmahon.

An ordinance passed to free the heir of sir William Fairfax, who was slain in the parliament's service, from wardship.

An order passed to admit the prince elector to come when he pleased to the assembly of divines, to hear their debates, according to his highness's desire. Prince elector.

Newcastle town not agreeing to propositions of a treaty, the Scots stormed and entered part of the town, and became masters of it; that sir John Merlay and others for the king, fled to the castle, and offered to render it upon quarter; which was denied, but that they should render at mercy. Newcastle.

Some of the Scots officers were slain, as major Hepburne and others, but more of the enemy.

Public thanks to God were ordered to be given for the mercy in gaining Newcastle.

Sergeant Whitfield had the thanks of the house for his pains in preparing the evidence for the trial of Macquire and Macmahon, and the former lord-chief-justice Bramston was ordered to be advised with in that business.

An ordinance passed for the sale of some delinquents' lands in Essex.

By letters from the commissioners in the army it was certified, that the armies were near engagement, that the king's horse faced the parliament's forces within a mile, their foot and artillery marched up, and were drawn into battalia at Bucklebury, and nothing more done that day, but they resolved the next day to charge the king's forces if they would stand to it, and they desired provisions might be sent to the army.

Two barges loaded with biscuit and cheese were sent to Reading, to be conveyed to the army.

The houses being informed that the lord-general was not well, and stayed behind the army, they sent a committee of the lords and commons to visit him, and to express the affections of both houses to him. Gen. Essex.

This was not (as was given out) a piece of courtship, but, I think, real; and there was cause enough that it should be so, the general having so highly deserved from them: yet there were some had designs against him, and were desirous to remove him from his command, because they were jealous that he was too much inclined to peace, and favouring of the king and his party.

I think I knew as much of his mind as others did, and always observed him to wish for peace, yet not upon any dishonourable or unjust terms: he was a lover of monarchy and nobility, which he suspected some designed to destroy, together with gentry, ministry, and magistracy; which humour began then to boil up; but he resolved to support them, and wanted not advice to that end.

Jealousies. But the jealousies upon him (who was a most faithful and gallant man, and servant to the public) gave him great trouble in his thoughts; and they did work so high with his enemies, that some gave out he was by private intimation to forbear engaging in this service; and for certain he was not in it.

A party of the king's coming to relieve Banbury were repulsed by captain Fiennes, their bag and baggage taken, divers of them killed, and some of them taken prisoners.

The city propositions, to be sent with the general propositions for peace, were voted and approved.

Petition. Divers citizens petitioned that justice might be done against delinquents, especially the two grand incendiaries, the bishop of Canterbury and Wren, and that the commons' house might be recruited with new members.

Hotham. Sir John Hotham petitioned that he might not be tried by the commissioners for the court-marshal, and demanded the judgment of the house thereupon, and offered his reasons; but they would not hear them.

The commons being informed that in probability the armies were now engaged, they sent to the assembly of divines to spend some time in prayer for the good success of the parliament's forces, which was done accordingly.

In the evening the same day news came to the parliament of a considerable victory obtained by their forces against the king's army near Newbury; that the fight began on Sunday, October 27, about three o'clock in the afternoon; that before seven, they had nine pieces of ordnance from the enemy, took the earl of Cleveland and three hundred prisoners, killed Charles Goring, son to the lord Goring, sir Humphry Mildmay's eldest son, and divers others of quality; and that the king, about twelve at night, marched with a party towards Wallingford.

Newbury fight.

Another party of the king's, under the earl of Northampton, came to relieve Banbury, and taking the besiegers

at unawares, made their way into the castle and relieved it, and made good their retreat.

Scoutmaster general Bedford came to the house with letters from the commissioners in the army, of the particulars of the battle at Newbury, to this effect:

That after a week's tedious but speedy march of the lord-general's infantry, and one night's refreshment at Reading, in two days further progress they drew up before Newbury, as near the town as the enemy's cannon would suffer: this was upon Friday Octob. 25.

The king kept within the town, guarded by his artillery, but his body of horse and foot drew out into Speen-field, the midway between the town and castle, both to make his army seem more numerous, and to embattle them in a place of extraordinary advantage: that day afforded nothing but an interview, the interposing river hindered the desire to fight.

On the king's part appeared rather a declining to be engaged, either that their numbers were not equal, or from an an expectation of prince Rupert's advance with three thousand horse and dragoons, and the return of the earl of Northampton from Banbury with one thousand.

The king's strength is reported to have been eight thousand foot and five hundred horse, which, albeit a gallant army, yet, upon the parliament's forces drawing into battalia, they durst not take the field; but to counterpoise the parliament's numbers, the king fell to stratagems to fortify the 109
town, especially the avenues, and having raised his batteries and lined the hedges, stood upon his guard, and with some great pieces, where he saw the biggest bodies and most advantage, liberally sent them some bullets, which killed two or three horse, but hurt not their riders.

For many hours some parties of horse skirmished betwixt both the armies, in which play the parliament had the best; of whose part but one man fell, of theirs four or five, of which one was knighted.

It being impossible to engage the king's forces without much hazard, that night the greatest part of the parliament's forces marched into Chevely; the horse commanded by Waller and Balfour, the foot by Skippon, whilst the other encamped before the east side of the town, and ordered by

Manchester, at one same time, having agreed to storm the garrison on both sides.

That night and the next the parliamentarians quartered in the open fields, but neither the coldness of the weather nor want of usual provision any whit disanimated the soldiers, the expectation of fighting swallowing up all other extremities, howbeit most of them had three days' provision prepared by command in their snapsacks.

By daybreak upon Sunday the horse and foot commanded by Waller and Skippon were upon their march; in four hours surrounded Dunnington-castle, and made their approach towards the west of Newbury.

By the way they intercepted two or three carts of provision, and took about one hundred horse and foot of the king's as they straggled, and the king's forces from the castle fell upon the parliament's rear, and took ten or twelve prisoners.

Upon this march they received the report that Newcastle was taken by storm, and the Ulster rebels defeated, which much encouraged the parliament's forces.

It was one o'clock ere the train and rear came up, and near three ere they could be put into battalia: with extraordinary shouts, and other symptoms of courage and joy, the western body advanced, and by the forlorn-hope of horse quickly began the fight, which, with as much eagerness, was seconded by the foot, who cried, they would now be revenged for the business of Cornwall.

For three hours the fight was maintained with as much resolution and bravery on both parts as hath been since these wars; the cannon and small shot on both sides firing with as quick a motion as was possible.

Among the foot, the general's regiment especially did eminently well; and among all of the whole army there was not one man or party, horse or foot, seen either to desert their duty or to dishearten their fellows. After a long and hot dispute, the parliamentarians beat the king's forces, first from their work, and then from their ordnance, nine in number, in which achievement they lost a few men, and among them captain Gawler.

The day was of so much discontent to his majesty, that an hour after midnight he marched out of the town with an

attendant troop only towards Winchester, and sent up his cannon, carriages, and baggage to the castle, where at day-break the parliamentarians saw them placed, and colonel Cromwell followed the body of the enemy two hours before day.

The earl of Cleveland was taken prisoner by a lieutenant of colonel Berkley's; general Goring hardly escaped; his brother was shot dead as he charged, most of his troop were cut off; major Trevillian and divers others of quality, and two hundred common soldiers, of the king's part, slain, and three hundred taken prisoners.

Letters came of the taking of the town and castle of New- Newcastle.
castle, surrendered to the general Leven, Octob. 29, the governor and the rest submitting for their lives. In that little compass of the castle were five hundred men, besides women and children. Three Scots lords taken there, Crauford, Rea, and Maxwell, were sent into Scotland, to be there tried.

The town, though taken by onslaught, was not much ransacked, most of them redeeming their goods from plunder upon reasonable satisfaction in moneys.

A day of public thanksgiving was appointed for these successes at Newbury and at Newcastle.

Some differences among the committee of Sussex were referred to a committee of the house, and another committee appointed to consider of settling the garrison of Windsor, and reducing it to a less number, and half-pay.

I was employed in the businesses concerning Windsor-castle, being substituted by the earl of Pembroke, who was constable of that castle and forest, to be lieutenant there.

Alderman Atkins was sworn lord mayor of London in the exchequer, according to custom.

Letters from sir William Waller and sir Arthur Haslerigge further confirmed the parliament's success at Newbury, and that they had taken one thousand arms there: that if they had had but one hour more of daylight, in probability they had totally routed and dispersed the king's whole army, which was in so great distraction after the fight, that they retreated three several ways at once in great confusion: that the king (as they were informed) with a small party wheeled about by Marlborough, and so to Oxford.

Since the fight they took many prisoners, stragglers, and the king's own coach, and general Forth's coach with his lady, many sumpter-horses, and other good prizes.

Laud. An ordinance was committed for the attainder of the archbishop; and they that managed the evidence against him at his trial were appointed to bring in the state of all the evidence to the house.

Letters from captain Hacker informed that a party of the king's, coming to relieve Crowland, were set upon by the parliament's forces six hundred horse, and four hundred prisoners taken of Newark and Belvoir forces, and the town much discouraged thereby.

A hundred horse of the queen's regiment were taken by the garrison of Weymouth, wherein the country people assisted the parliament's forces.

Sir Anth. Ashley Cooper. Sir Anthony Ashley Cooper, with fifteen hundred horse and foot from several garrisons, took the field, to encounter sir Lewis Dives.

Sir William Uvedale was readmitted to sit as a member of the house.

Novemb. 1644. The lord Paget petitioned, expressing much sorrow for his deserting the parliament and adhering to the enemy, whose counsel and designs he now seeth to tend to the destruction of the kingdom, humbly submitting himself to the favour of the parliament.

Letters from Newcastle desire the parliament to consider of the new framing and settling the government of that town, and that fit and able men may be chosen for that purpose; which was referred to a committee of both houses.

General Leven sent five thousand horse and foot of the Scots army to the lord Fairfax in Yorkshire, to suppress the straggling enemy there.

An ordinance was sent down to Newcastle for the trial of sir John Marley, the late mayor there, by a council of war.

A commander in Surrey sent to some members of parliament there, to provide contribution for him: for this, he and his troop were sent for up to the parliament.

Four chirurgeons of the army were referred to be tried by a council of war, for being absent at the late fight.

Laud. The archbishop was ordered to attend the house of commons, to hear the evidence against him repeated, and to

answer to it, the commons resolving to proceed against him by bill of attainder, because they perceived the lords not forward to give judgment for treason against him.

A hundred pounds was given to colonel Berkley, newly come to London, sore wounded in the late fight.

The archbishop was brought to the bar of the house of commons, where Mr. Samuel Brown, one that managed the evidence before against him, did now repeat it, and took up three hours' time: the archbishop had a week's time given him to answer there. Laud.

Letters from colonel Charles Fleetwood informed more particularly of the late defeat given to the Newark forces near Belvoir.

By desire from the Scots commissioners, both houses sent to the assembly of divines, to bring in the particulars of what they had finished for the government of the church; that it may be approved and confirmed by the parliament, and to hasten the despatch of what further they have in determination concerning the same. Assembly of divines.

Letters from sir William Brereton and sir John Meldrum certified, that fifty of the English soldiers of the garrison of Liverpool came out of the town and submitted to sir John Meldrum; after which, the Irish soldiers in the garrison, knowing that if the town were taken they should have no quarter, they conspired together, seized upon all their commanders, and rendered the town to sir John Meldrum, submitting to his mercy for their lives. Liverpool.

Sir John gave them all their lives, and sent them over into Ireland. There were taken in the town two colonels, two lieutenant-colonels, three majors, fourteen captains, besides inferior officers and common soldiers, ordnance, arms, and ammunition in great quantity. Many of the townsmen had shipped their best goods to be conveyed away, but sir John Meldrum by longboats seized on them.

Letters from Newcastle certified, that Tinmouth-castle was surrendered upon conditions, and in it thirty-eight pieces of ordnance, and store of arms and ammunition and provisions: the soldiers were to march with their particular baggage, and to be quiet in their own dwellings, submitting to all ordinances of parliament. Tinmouth-castle.

The king and prince Rupert, with about two thousand

Lord Gerrard. horse and foot, marched to Cirencester; the lord Gerrard was expected to come to him with fifteen hundred out of Wales; the rest of his forces were about Woodstock; the parliament's army marched after them to Abington.

Upon the day of public thanksgiving, as the lord mayor came home from St. Paul's in Cheapside, divers popish books, pictures, beads, and crucifixes were burnt where the cross stood.

Letters of direction were sent from the parliament to their armies, for their motion after the enemy.

A petition of Lincolnshire complained of grievances, and another from Leicestershire desired that the lord Grey might be sent down to them, being their commander-in-chief.

Newark. Letters from captain Hacker inform, that at the defeat of the Newark forces the number of horse taken were about eight hundred: that sir John Girlington was drowned, and divers others of quality with him, besides common soldiers, in their confused flight over a mill-dam: that forty commanders and officers and near four hundred common soldiers were taken prisoners, and but one man slain of the parliament's.

They blocked up Belvoir-castle, put a garrison into Grantham, and continued close siege to Crowland and Newark.

A party from Leicester faced Ashby, and drove away many of their cattle; and two days after ten or twelve horse from Ashby came to a gentleman's house, where some of the lord Grey's commanders were making merry, and took them away prisoners.

Colonel Ludlow, with a party of horse, joined with the besiegers of Basing.

The members for each county were ordered to name three in every county, and the parliament would choose one of the three, to be high sheriff.

Propositions for peace. Both houses agreed in all matters touching the propositions for peace, and referred it to the committee of both kingdoms to consider of the manner of sending them to the king.

An ordinance passed for the better securing of the Isle of Wight.

King at Oxford. The king and prince Rupert were at Oxford, and had a rendezvous in Cuddington-moor, of about eleven thousand

horse and foot: care was taken to prevent their breaking into the associated counties of Norfolk, &c.

Four members of the house of commons, viz. Mr. Pierpoint, Mr. Hollis, and the lord Wenman, and myself, were named as a committee, to join with two of the house of lords, and a committee of the Scots commissioners, to carry the propositions for peace to his majesty, and the committee of both kingdoms were ordered to send to the king for a safe conduct for them. Commissioners for the propositions.

The king's soldiers begging, as if they had been wounded in the parliament's service, were prohibited, and order taken for allowance to all the wounded soldiers of the parliament.

The defaults in the duty of the officers and soldiers of colonel Fiennes's regiment, and other forces before Banbury, referred to be examined by a committee.

The assembly of divines, as soon as the house of commons were sat, and before they were full, came to the house, and presented them with the assembly's advice and opinion, for the presbyterian government to be settled, and an expression was in their advice, that the presbyterian government was *jure divino*. Assembly of divines. Jure divino.

Glynne and I were then in the house, and few others but those who concurred in judgment with the assembly, and had notice to be there early, thinking to pass this business before the house should be full.

Glynne stood up and spake an hour to the point of *jus divinum*, and the presbyterian government, in which time the house filled apace, and then I spake to the same points and to the same effect I had done before in the assembly, enlarging my discourse to a much longer time than ordinary; 111 and purposely, that the house might be full, as it was, before I had made an end.

And then, upon the question, it was carried, to lay aside the point of *jus divinum*. And herein Glynne and I had thanks from divers, for preventing the surprisal of the house upon this great question.

An ordinance passed for the due payment of tithes.

The propositions for peace being fully agreed unto, a letter was ordered forthwith to be sent to the general of the king's army, for a safe conduct for the lords and commons and Scots commissioners that are to go with them to the king. Propositions for peace.

The commons took order concerning the trade of coals from Newcastle, and the government of that town.

Colonel Urrey, because of his former inconstancy, was denied to be again received into the parliament's service, but permitted to go beyond sea.

Petition. The city of London petitioned that care might be taken of the garrison of Windsor, being a place of so great importance to the city, and concerning the committees of Sussex, and the fortifications about the city.

Answer. The commons gave them this answer, that they resolved to do their utmost for the advancement and security of the city, which had deserved so well of the parliament and kingdom.

The court-marshal had power given them to proceed against soldiers that ran away from their colours.

A petition, subscribed by many thousands in Norfolk, was for the settlement of the government of the church, and for punishing such as had not taken the covenant: the Scots pressed it, for which the commons answered, that instructions had been formerly given.

Laud. The archbishop, at the bar of the house of commons, made his defence, which took up many hours: he concluded, that he would take it upon his death that he never intended to subvert the fundamental laws nor to introduce popery, and that what he did was either by the king's command or as one of the council or of the high commission court, and wherein he had but one vote.

The grand jury found the bill against Macquire and Macmahon.

The parliament wrote to the several counties in their power for levying the arrears of the 400,000*l.* subsidy.

A party of the king's relieved Dunnington-castle, and brought away some artillery from thence. The commons ordered that whole business to be inquired into, and the defaults of any of their officers or soldiers in that action.

Divines. Upon the desire of some of the assembly who dissented from the form of church government, presented by the rest, a day was appointed to hear their arguments against it.

Mr. Samuel Brown, a member of the house of commons, replied to the defence made by the archbishop, and the house

Laud. passed the ordinance for the attainder of the archbishop of high treason.

Macmahon pleaded not guilty to the indictment against him.

But the lord Macquire pleaded that he was a peer of Ireland, and ought to be tried there, and prayed to be allowed counsel in the point of peerage, which was admitted: and the lawyers of the house were ordered to meet, and advise with the judges concerning the trial.

The lord Fairfax with some of the Scots forces, advancing against Knasborough, fell on the enemy, beat them out of the town into the castle, slew about twenty of them, and took some prisoners.

Hemsley-castle. A party of Skipton cavaliers going to relieve Hemsley-castle, the lord Fairfax sent a party under major Sanders to make good the siege, but before they came the besiegers had routed the king's party, killed and wounded divers, took eighty horse, and a great quantity of provisions, and took about fifty officers and gentlemen, besides common soldiers, prisoners.

By permission of the earl of Rutland the town of Belvoir was burnt, the better to come at the castle.

Kent petition. A petition from Kent acknowledged the unwearied pains of the parliament, and proposeth, that the commanders in the armies may be allowed but little pay in present, with assurance to be satisfied their arrears out of delinquents' estates when the war is ended.

That neuters may be discovered, and contribute in a larger manner than others.

That out of bishops' lands, &c. small livings of ministers may have augmentations: with other propositions tending to bring the war to a speedy conclusion, for which the petitioners had thanks.

Names of commissioners. The names were presented to the commons of those who were agreed on to carry the propositions to the king; viz. the earl of Denbigh and the lord Maynard, of the peers; Mr. Pierpoint, Mr. Hollis, myself, and the lord Wenman, of the house of commons; and the lord Maitland, sir Charles Erskins, and Mr. Barclay, for Scotland.

An ordinance passed for a free trade to Newcastle.

The counsel assigned for Macquire and Macmahon desired to be excused, they being notorious Irish rebels; but their excuse was not allowed.

Some sailors petitioned for their shares of prizes taken, which was referred to the earl of Warwick.

Some of the city soldiers were sent for as delinquents for a breach of privilege, in entering into a house of a member of parliament to search for concealed goods.

With the artillery brought from Dunnington-castle the king fortified the lord Seymour's house at Marlborough.

Order was taken for the relief of Taunton-castle.

Mr. Brown carried up to the lords the ordinance for the attainder of the archbishop.

Hospitals about London were exempt from taxes, because they relieved the wounded soldiers.

An ordinance passed for supply of Windsor, where the soldiers were in disorder for want of pay.

Safe conduct. The trumpeter returned with a safe conduct from prince Rupert, under the king's hand and seal, for the lords and gentlemen appointed to carry the propositions of peace to the king; and though the safe conduct takes no notice of them as members of parliament, but as private persons, yet the parliament received it.

Macmahon was found guilty, and had judgment against him of high treason.

The parliament's forces were drawn out of Newbury towards Basing, to prevent the relieving of it.

112 Assembly of divines. The assembly had liberty to answer in writing the reasons of their dissenting brethren concerning church-government; and both their arguments to be presented to the house.

Scots army. The commons voted the advance of the Scots army southward.

Two houses near Ashby were garrisoned by the parliament's forces.

Sir Alex. Carew. Sir Alexander Carew, sometime a member of the house of commons, and governor of St. Nicholas island near Plymouth, had sentence of death pronounced against him by the court-marshal for endeavouring to betray the fort to the enemy.

Much notice was taken of three suns in the firmament on the king's birthday, and a rainbow with the bend towards the earth.

Commissioners for propositions. The lords and commons and Scots commissioners, appointed to carry the propositions for peace to the king, went out of

town Nov. 20. They are to bring back the king's answer, which if they have not in time convenient, it is left to their discretion how long to stay for it.

We went first to Reading, to inquire where the king was, supposing the king had been at Marlborough, to which place Reading is the way; but there we were informed that the king was gone to Wallingford; and though very late, and in bad ways and weather, we hasted away in the evening cross the country from thence to Nettlebed, and were benighted, and in much danger in that ill journey.

At Nettlebed, which is but a little country town, there was very bad quarter for so many great persons, but we contented ourselves, and were merry together with our ill lodging and entertainment.

The next morning we went on our journey to Wallingford, and stayed at Cromash, near a mile from the town, whilst we sent a letter to colonel Blake the governor, to acquaint him that we desired entrance into the town by virtue of our safe conduct from the king, whom we were to wait upon with propositions from the parliament.

Blake sent to us for our safe conduct, which we denied to send to him, alleging that it was our security for our passage, and that we were not to part with it; but we shewed it to his messenger, and gave him a copy of it, with which he returned to the governor, and after some two hours' attendance, he sent a troop of horse to convoy us into the town.

We went directly to the governor's quarters, who received us not rudely, but with height enough, and called for wine for us; he told us that he believed the king was returned to Oxford, and that it was more probable we might find him there than in any other place.

Amongst other discourses, he and the earl of Denbigh fell into relations of some passages of war wherein both the earl and colonel Blake had been actors, and both of them, being high spirits, could not brook any diminution to the honour of each other or of their parties.

They differed upon some matters of fact, and grew unto very high words, insomuch as the lord Maitland looked very pale, and he and others thought that they should have their throats cut by the garrison; and Blake looked very big upon them, and his words were answerable.

All the company held it fit to remove from this garrison, seeing the carriage of Blake so full of insolence and incivility, and with much difficulty we at last got into our coaches, and took leave of the proud governor.

The next morning we took our journey towards Oxford, and upon the hill half a mile before we came to the town, we stayed in the field till they sent a messenger to the governor of Oxford, sir Jacob Ashley, to acquaint him with our being there, to wait upon the king according to our safe conduct, (whereof we sent him a copy,) and desired entrance and accommodation in the city.

The messenger returned, that sir Jacob Ashley would acquaint his majesty with our being there, and know his pleasure about it, and then he would send to us accordingly; and after three or four hours' stay in the wet and cold open field, then came an officer and a troop of horse to convoy us into the city.

As we passed along the streets, the rude multitude, the people, part of that body for whom we underwent so many hazards of our lives and fortunes, to preserve them in their rights and liberties, and from slavery and popery, which some about the king (as was believed) endeavoured to bring upon them; part of this people of England, as we passed along the streets, reviled us with the names of *traitors*, *rogues*, and *rebels*, and the like, and threw stones and dirt into our coaches—a great encouragement and reward for our service for them. We went on our way, taking no notice of these affronts and abuses, and were brought to our quarters to a mean inn, the sign of the Katherine Wheel, next St. John's college, which house was little above the degree of an alehouse.

The officer made a slight excuse to us for making us stay so long before we were admitted into the garrison; the which, he said, could not be till the governor had spoken with the king, which took up some time, and that the providing of quarters for us was very difficult, in regard the town was so full of the king's forces.

After we were settled in our quarters, divers of the king's great officers and lords came to visit us, and we had some particular friends who came thither to us; among whom was sir Edward Hyde, who came to visit me, and in discourse

in general, about the propositions for peace, professed his earnest desire and endeavour that they might take effect.

The earl of Lindsey, who then lay sick of wounds he had received, sent a gentleman in his name to visit Mr. Hollis and us, and to tell us, that if he had been able to come abroad he would himself have visited us.

The commissioners' servants informed us of a great bustle in the hall of the inn. That some officers of the king's army came in thither to them and fell to quarrel with them, called them and their masters and the parliament, rogues and rebels and traitors, and would not suffer them to come near the fire, upon which they quarrelled.

Mr. Hollis went presently to one of the king's officers who was there, a tall big black man, and taking him by the collar shook him, and told him it was basely and unworthily done of them to abuse their servants in their own quarters, and contrary to the king's safe conduct, and presently took away his sword from him.

I did the like to another great mastiff fellow, an officer also of the king's army, and took away his sword from him.

Upon this, fearing some design upon us, and that more of 113
the king's officers and soldiers would come in to affront us, they caused the door of the inn to be shut up, and sent to acquaint the governor with this abuse and affront offered to us.

He presently sent a captain, who took away those two officers who had been disarmed, and carried them to prison. He excused a little the matter to the commissioners, and brought a guard of foot soldiers to attend at the door of our quarters.

This business was much talked on among the king's officers and soldiers, and most of them said that Hollis and Whitelocke had done well, and like gentlemen, in disarming those two that offered the affront, whom they much condemned: and we were after this quiet.

The next day we had access to his majesty, who used us civilly, and gave to every one of us his hand to kiss: but he seemed to shew more disdain to the Scots commissioners than to any others of our company.

The earl of Denbigh read the propositions to his majesty, who heard them with much patience; and when they were all

read, told us that he would consider of an answer to be given to us.

Hollis and I thought ourselves obliged, in civility and courtship, to return a visit to the earl of Lindsey; but (all the commissioners having agreed that none of us should singly give any visit to any of the king's officers or great lords, nor in company, without acquainting our fellow-commissioners therewith) we thought fit to tell them our intentions (with their leave) to return a visit to the earl of Lindsey, who had so courteously first sent to visit us: and all our fellow-commissioners approved thereof, and wished us to do as we intended.

The same evening, about eight or nine of the clock, Hollis and I went to the court, to the earl of Lindsey's lodgings, whom we found ill and in his bed, and divers lords with him; among the rest the lord Savile, then newly made earl of Sussex.

The earl of Lindsey expressed much contentment, and that he took it extreme kindly that we would come to visit him, and treated us with extraordinary respect and courtesy; and no man with him was so forward to compliment us as was the lord Savile.

When we had been there about a quarter of an hour, the king and prince Rupert and divers great lords came into the chamber where we were; whether sent to after we came, or by accident, we knew not. The king saluted us very civilly, and began to discourse with us; part whereof was to this effect:

King. I am sorry, gentlemen, that you could bring to me no better propositions for peace, nor more reasonable than these are.

Hollis. They are such, sir, as the parliament thought fit to agree upon, and I hope a good issue may be had out of them.

Whitelocke. We are but their servants to present them to your majesty, and very willing to be messengers of peace.

K. I know you could bring no other than what they would send. But I confess I do not a little wonder at some of them, and particularly at the qualifications.

H. Your majesty will be pleased to consider of them as a foundation for peace.

K. Surely you yourselves cannot think them to be reasonable, or honourable for me to grant.

H. Truly, sir, I could have wished that some of them had been otherwise than they are; but your majesty knows that those things are all carried by the major vote.

K. I know they are, and am confident that you who are here, and your friends (I must not say your party) in the house, endeavoured to have had them otherwise, for I know you are well-willers to peace.

Wh. I have had the honour to attend your majesty often heretofore upon this errand, and am sorry it was not to better effect.

K. I wish, Mr. Whitelocke, that others had been of your judgment and of Mr. Hollis's judgment, and then, I believe, we had had an happy end of our differences before now.

H. We are bound to your majesty for your gracious and true opinion of us, and wish we had been or may be capable to do your majesty better service.

K. Your service, Mr. Hollis, and the rest of those gentlemen whose desire hath been for peace, hath been very acceptable to me, who do earnestly desire it myself; and in order to it, and out of the confidence I have of you two that are here with me, I ask your opinion and advice what answer will be best for me to give at this time to your propositions, which may probably further such a peace as all good men desire.

H. Your majesty will pardon us if we are not capable in our present condition to advise your majesty.

Wh. We now by accident have the honour to be in your majesty's presence, but our present employment disables us from advising your majesty, if we were otherwise worthy to do it, in this particular.

K. For your abilities I am able to judge; and I now look not on you in your employments from the parliament, but as friends and my private subjects I require your advice.

H. Sir, to speak in a private capacity, your majesty sees that we have been very free; and touching your answer I shall say further, that I think the best answer would be your own coming amongst us.

Wh. Truly, sir, I do believe that your majesty's personal presence at your parliament would sooner put an end to our unhappy distractions than any treaty.

K. How can I come thither with safety?

H. I am confident there would be no danger to your person to come away directly to your parliament.

K. That may be a question; but I suppose your principals, who sent you hither, will expect a present answer to your message.

Wh. The best present and most satisfactory answer, I humbly be-

lieve, would be your majesty's presence with your parliament, and which I hope might be without any danger to you.

H. We should be far from advising any thing which might be of the least danger to your majesty's person, and I believe your coming to your parliament would be none; but we must humbly submit that to your majesty's own pleasure and great wisdom.

K. Let us pass by that: and let me desire you two, Mr. Hollis and Mr. Whitelocke, to go into the next room, and a little to confer together, and to set down somewhat in writing which you apprehend may be fit for me to return in answer to your message, and that in your judgments may facilitate and promote this good work of peace.

H. We shall obey your majesty's command, and withdraw.

We went together into another room, where we were private; and upon discourse together we apprehended that it would be no breach of trust in us to observe the king's desire herein, but that it might be a means to facilitate the work about which we came, the most desirable business of peace.

Therefore, by Mr. Hollis's entreaty, and as we both agreed,
114 I wrote down what was our sense in this matter, and what might be fit for the substance of the king's answer to our message. But I wrote it not in my usual hand, nor with any name to it; nor was any person present but we two when it was written, nor did the king admit of any others to hear the discourse which passed betwixt him and us.

The paper which was thus written we left upon the table in the withdrawing room; and the king went in and took it, and then with much favour and civility bid us farewell, and went away himself. After which, and a few compliments passed between the earl of Lindsey and us, we took leave of him and the rest of the company, and returned to our own lodgings.

This being the truth of those secret and private passages for which Hollis and I were afterwards accused in parliament by the lord Savile, no indifferent person can justly censure us for any unfaithfulness, or the least breach of our trust to the parliament, whose servants we then were. And this may be answered for us, that what we did herein was in compassion to our bleeding distressed country, and for the effecting of that which was universally longed for, the settlement of a just and happy peace.

But this was not imparted by us to our fellow-commissioners, nor could all the examinations at committees and in the house of commons get it out of us.

The parliament's forces leaving Newbury, the king possessed himself thereof, and the parliament forces lay in the field expecting to fight them; but the time of the year was very hard for such quarters.

The lord Macquire moved the king's bench for some moneys detained from him, and that he might have paper, pen, and ink allowed him, and some statute books, the better to make his defence; all which was granted to him.

The assembly of divines sent to the commons the whole directory for worship, prayer, preaching, baptism, and the Lord's supper, agreed on by them. Directory.

The siege before Basing-house was raised, and the parliament's forces retreated to Farnham and Reading for their winter quarters.

The regiments of colonel Fleetwood and colonel Rosseter beat up the enemy's quarters near Newark, took one hundred and sixty horse, eighty prisoners, major Heron, and other commanders.

The commons appointed an examination touching any neglects of their armies, and the spinning out of the war, and of the late miscarriages after Newbury fight, when they had so much advantage against the enemy.

By letters from colonel Norton he informs the house that he had received a warrant from a chief commander in their army to raise the siege from before Basing-house, and to betake themselves to winter quarters, which was a thing unexpected to him, but according to that warrant they had withdrawn.

This raised new jealousies and discontents in the minds of many of the parliament and of their friends. Jealousies.

Macmahon was executed at Tyburn; and Mr. Peters urged him to make confession, but he would not unless he might have a Romish priest.

The plea of peerage of the lord Macquire was allowed.

Upon letters from colonel Jones, governor of Farnham, the king's army being come near him, the parliament ordered some forces to be quartered there for his assistance.

Sir Alexander Carew being sentenced by the court-marshal Sir Alex. Carew.

to have his head cut off, his lady petitioned that her husband was distracted, and unfit to die, and prayed a reprieve for him, which was granted.

An ordinance passed for a voluntary contribution to raise the second payment to the Scots.

Miscarriages.

The late carriage of the armies in suffering Donnington-castle to be relieved, and quitting Newbury, which was plundered, and not fighting when the parliament's forces were two for one, was referred to a committee to be examined.

The parliament's forces quartered at Reading, Abington, and Henley, where the rude soldiers did great mischief to friends as well as enemies in their houses, and more in their woods. But such insolencies and mischiefs must be expected from this brood of men, or rather brutish soldiers, who know no difference between friends and foes, but all is plunder that they can fasten their hands upon.

Kent raised three thousand men to oppose the king's march into Sussex and Surrey, which was feared.

The power of the court-marshal was continued for four months longer than their former time.

A party of about three hundred of the king's forces coming to Axminster near Lyme, to fortify it and to straiten Lyme, the governor fell upon them, and at the second charge routed them, killed major Walker, two captains, two lieutenants, and divers common soldiers, took four pieces of ordnance, many arms and prisoners, and released fifty gentlemen who had been by them taken prisoners from their houses.

The commons passed the directory of worship.

Commissioners at Oxford.

Letters from the commissioners at Oxford informed, that on the Lord's day they presented the propositions for peace to the king, which were read by the earl of Denbigh. That the king asked the committee if they had power to treat. They answered, No; but their commission was to receive his majesty's answer in writing. Then the king said they should receive his answer accordingly.

At the reading of the excepted persons' names, which the earl of Denbigh read with great courage and temper, prince Rupert and prince Maurice being present when their names were read as excepted persons, they fell into a laughter: at which the king seemed displeased, and bid them be quiet.

When the committee answered the king that they had no

commission to treat, but to receive his majesty's answer in writing, the king replied, "Then a letter-carrier might have done as much as you:" to which the earl of Denbigh said, "I suppose your majesty looks upon us as persons of another condition than letter-carriers."

The king said again, "I know your condition; but I say that your commission gives you power to do no more than a letter-carrier might have done." And so we came away from the king with a little kind of dissatisfaction, but some of his lords afterwards excused to us those hasty words.

Surrey petitioned for relief against free quarter; which was ordered, and that all forces of the parliament near London should be removed nearer to the enemy, and to enlarge their own quarters.

Order was given for the relief of Taunton-castle, and for supplies of Abington.

Persons in Norwich, who were imprisoned for not coming to hear common prayer, were by vote discharged.

An ordinance passed for the inhabitants of New England to have free trade hither without paying of customs.

Two papists being stayed at the court of guards affirmed 115
that they were parliament soldiers under captain Buller, and the house being informed of it referred it to a committee, to be examined, and order, if it were so, and the captain knew it, that he should be cashiered; and the like for any officer of the parliament that should do as he did.

A new seal was made of the duchy of Lancaster, and I was made by the parliament attorney of the duchy.

The commons referred it to the committee of the navy to take special notice of the gallant service done by captain Ashley, and to give him all due encouragement.

Sir John Boles, with forces from Newark, plundered divers houses in Lincolnshire of the parliament's friends, and took away Mr. Anderson, and Mr. Emmerson a committee-man, prisoners.

The city by a petition remember their forwardness in their persons and purses to serve the parliament, and desire a reimbursement of their moneys lent towards reducing of Newcastle, and that they might have coals at a reasonable price; which was held fit by the commons, and put in a way to be done. City petition.

Monmouth-castle.

A party of Monmouth garrison being drawn out upon a design against the king's forces thereabouts, the lord Herbert of Ragland having notice thereof, sent seven or eight of his soldiers in the habit of countrymen, who discoursed with the sentinels of Monmouth-castle, feigning themselves friends, which made the sentinels secure and careless; upon which two troops of horse watching their opportunity broke through the sentinels, and possessed themselves of the castle.

A ship of Exeter loaden with rich goods, and cast by weather into Lyme, was ordered to be sold; and one moiety of the goods for the town, the other for the service of the west.

Upon the petition of divers western gentlemen driven from their habitations by the king's forces, the commons ordered a committee to take care to provide houses and accommodations for them; and this brought in divers others who were not in the like necessity, but rather for their gain to obtain the like favour.

Sir Thomas Littleton was remanded to straiter custody in the Tower.

Commissioners at Oxford.

The committee who carried the propositions of peace to Oxford had the king's answer sealed up and sent to them.

They upon advice together thought it not fit for them to receive an answer in that manner, not being acquainted what it was, nor a copy of it (as was usual in the like cases) sent with it unto them; and upon this they desired to be excused from receiving that answer so sealed, and made an address to his majesty, that they might know what his answer was, and have a copy of it: to which his majesty replied, "What is that to you, who are but to carry what I send, and if I will send the song of Robin Hood and little John you must carry it." To which the commissioners only said, that the business about which they came and were to return with his majesty's answer was of somewhat more consequence than that song. And other passages there were which shewed the king to be then in no good humour, and were wondered at in a business especially of this importance, and where the disobliging the commissioners could be of no advantage to the king; but all was endeavoured to be made up again by some of the king's lords before the commissioners came away, and a copy of the answer was sent them.

Another exception they took to the paper of the answer, that it was not directed to any body, nor the parliament so much as acknowledged or named in it; to which the king answered, that it was delivered to the parliament's commissioners, which was sufficient; and some of his lords told us, that they could not get it otherwise, chiefly, because we were there as commissioners of both kingdoms, and earnestly entreated us, for peace sake, to receive it as it then was sent to us.

Upon debate thereof among ourselves, and it being considered that we must take it upon ourselves to break off the treaty for peace in case we refused this paper, and that it was more proper for us to leave it to the judgment of our masters, we did receive the answer as it was sent to us.

Nov. 29. We returned to the parliament, and the next day at a conference of both houses his majesty's answer was read, in the preamble whereof were high expressions of his desires of peace, and he demanded a safe conduct for the duke of Lennox and the earl of Southampton to come with his answer to the propositions. The king's answer.

The exceptions to this paper of the king's were much debated, but at length, out of the earnest desire of peace, it was carried to lay aside those objections.

And the house ordered, that upon consideration of the faithful service done by the committee that went to his majesty, and their discreet carriage of the business, the thanks of the house should be returned to them for the same: and every one of them severally in their order stood up in their places, and the speaker solemnly pronounced the thanks of the house to them.

December 1644 The commons agreed upon several gentlemen to be high sheriffs, and those who refused, or to act as justices of the peace, should be sent for as delinquents.

The earl of Manchester made a long report touching the business of Donnington-castle, and in excuse of the parliament's forces in that action.

Abuses were examined of the gentleman whom some called *prince Griffith*.

Sir J. Hotham was tried by the court-marshal: Hotham.

1. For betraying his trust, and adhering to the enemy,

proved by his words, letters, and actions; his compliance with the lord Digby, the marquis of Newcastle, and others of that party.

2. His refusal to supply the lord Fairfax with ammunition, to the great prejudice of the parliament.

3. His scandalous words against the parliament.

4. His endeavour to betray Hull to the enemy.

5. His correspondence with the queen, and his seeking to escape.

Thirty witnesses were examined against him, and divers for him in his defence.

Letter to prince Rupert.

The parliament directed a letter to be sent from the lord-general to prince Rupert to this effect:

That if his majesty shall send to the parliament of England assembled at Westminster, and to the commissioners of the parliament of the kingdom of Scotland, they would with all readiness grant a safe conduct for the duke of Richmond and the earl of Southampton to come from the king with an answer to the propositions for peace, and treat with them according to his majesty's desire.

Several ordinances passed for raising of moneys.

Abington being in some distress, major-general Crauford, with a party of the parliament's forces, relieved the garrison plentifully, and brought thither a thousand sheep, which he
116 drove away from under the walls of Wallingford, and none of the enemy appeared against him.

Sir Lewis Dives being at Dorchester with about three hundred horse and dragoons, sent a party to face Lyme, and at their return major Sydenham of Pool with about sixty horse fell upon them in Dorchester, charged them through and through, wounded Dives, slew many, and took divers prisoners.

Sydenham.

As Sydenham faced about he saw major Williams (who had formerly killed the mother of Sydenham) in the head of the king's troops coming to charge him, whereupon Sydenham bid his men stand close to him, for he would avenge his mother's blood on Williams or die on the place; and then so violently made his way, that he came up to Williams and slew him, put all his men to flight, and drove them through the town, and so returned to Pool.

Carlisle garrison was reported to be in such want that they eat their horses, they were so closely besieged by the parliament's forces.

Captain Hains escaped from imprisonment by the enemy.

Colonel Cromwell, being made lieutenant-general of the earl of Manchester's army, gave great satisfaction to the commons touching the business of Donnington-castle, and seemed (but cautiously enough) to lay more blame on the officers of the lord-general's army than upon any other. And the point of privilege was debated touching the lords transmitting of a charge from them before it was brought up to them. Cromwell.

This reflected upon lieutenant-general Cromwell, of whom the lord-general now began to have some jealousies, and was advised to put to his strength to rid Cromwell out of the way; and the means to be used to effect this was supposed to be by the Scots commissioners, who were not well pleased with Cromwell upon some words which he had spoken, (as they apprehended,) derogatory to the honour of their nation. Jealousies.

One evening, very late, Maynard and I were sent for by the lord-general to Essex-house, and there was no excuse to be admitted, nor did we know beforehand the occasion of our being sent for: when we came to Essex-house, we were brought to the lord-general, and with him were the Scots commissioners, Mr. Hollis, sir Philip Stapleton, sir John Meyrick, and divers others of his special friends. Conference against Cromwell.

After compliments, and that all were set down in council, the lord-general spake to us to this effect:

L. gen. Mr. Maynard and Mr. Whitelocke, I sent for you upon a special occasion, to have your advice and counsel, and that in a matter of very great importance concerning both kingdoms, in which my lords the commissioners of Scotland are concerned for their state, and we for ours; and they as well as we, knowing your abilities and integrity, are very desirous of your counsel in this great business.

Maynard. We are come to obey your excellency's commands, and shall be ready to give our faithful advice in what shall be required of us.

Wh. Your excellency, I am assured, is fully satisfied of our affections and duty to your self, and to that cause in which we are

all engaged, and, my lords, the commissioners of Scotland will likewise, I hope, entertain no ill thoughts of us.

L. gen. My lord-chancellor of Scotland, and the rest of the commissioners of that kingdom, desired that you two by name might be consulted with upon this occasion, and shall desire my lord-chancellor, who is a much better orator than I am, to acquaint you what the business is.

L. chancellor. Master Maynard and master Whitelocke, I can assure you of the great opinion both my brethren and myself have of your worth and abilities, else we shuld not have desired this meeting with you, and since it is his excellency's pleasure that I shuld acquaint you with the matter upon whilke your counsel is desired, I shall obey his commands, and briefly recite the business to you.

You ken vary weele that lieutenant-general Cromwell is no friend of ours, and since the advance of our army into England he hath used all underhand and cunning means to take off from our honour and merit of this kingdom; an evil requital of all our hazards and services: but so it is, and we are nevertheless fully satisfied of the affections and gratitude of the gude people of this nation in the general.

It is thought requisite for us, and for the carrying on of the cause of the tway kingdoms, that this obstacle or remora may be removed out of the way, whom we foresee will otherwise be no small impediment to us, and the gude design we have undertaken.

He not only is no friend to us, and to the government of our church, but he is also no well-willer to his excellency, whom you and we all have cause to love and honour; and if he be permitted to go on in his ways, it may, I fear, endanger the whole business; therefore we are to advise of some course to be taken for prevention of that mischief.

You ken vary weele the accord 'twixt the twa kingdoms, and the union by the solemn league and covenant, and if any be an incendiary between the twa nations, how is he to be proceeded against. Now the matter is, wherein we desire your opinions, what you tak the meaning of this word *incendiary* to be, and whether lieutenant-general Cromwell be not sike an incendiary as is meant thereby, and whilke way wud be best to tak to proceed against him, if he be proved to be sike an incendiary, and that will clepe his wings from soaring to the prejudice of our cause.

Now you may ken that by our law in Scotland we clepe him an incendiary whay kindleth coals of contention and raiseth differences

in the state to the public damage, and he is *tanquam publicus hostis patriæ*. whether your law be the same or not, you ken best, who are mickle learned therein; and therefore, with the favour of his excellency, we desire your judgments in these points.

L. gen. My lord-chancellor hath opened the business fully to you, and we all desire your opinions therein.

Wh. I see none of this honourable company is pleased to discourse further on these points, perhaps expecting something to be said by us, and therefore, not to detain you longer, I shall, with submission to your excellency and to these honourable commissioners of Scotland, declare humbly and freely my opinion upon those particulars which have been so clearly proposed and opened by my lord-chancellor.

The sense of the word *incendiary* is the same with us as his lordship hath expressed to be by the law of Scotland, one that raiseth the fire of contention in a state, that kindles the burning hot flames of contention; and so it is taken in the accord of the two kingdoms.

Whether lieutenant-general Cromwell be such an incendiary between these two kingdoms as is meant by this word cannot be known but by proofs of his particular words or actions, tending to the kindling of this fire of contention betwixt the two nations, and 117
raising of differences between us.

If it do not appear by proofs that he hath done this, then he is not an incendiary; but if it can be made out by proofs that he hath done this, then he is an incendiary, and to be proceeded against for it by the parliament upon his being there accused for those things.

This I take for a ground, that my lord-general and my lords the commissioners of Scotland, being persons of so great honour and authority as you are, must not appear in any business, especially of an accusation, but such as you shall see beforehand will be clearly made out, and be brought to the effect intended.

Otherwise, for such persons as you are to begin a business of this weight, and not to have it so prepared beforehand as to be certain to carry it, but to put it to a doubtful trial, in case it should not succeed as you expect, but that you should be foiled in it, it would reflect upon your great honour and wisdom.

Next, as to the person of him who is to be accused as an incendiary, it will be fit, in my humble opinion, to consider his present condition and parts and interest; wherein Mr. Maynard and myself, by our constant attendance in the house of commons, are the more capable to give an account to your lordships; and for his interest in the army, some honourable persons here present, his excellency's officers, are best able to inform your lordships.

I take lieutenant-general Cromwell to be a gentleman of quick and subtle parts, and one who hath (especially of late) gained no small interest in the house of commons, nor is he wanting of friends in the house of peers, nor of abilities in himself to manage his own part or defence to the best advantage.

If this be so, my lords, it will be the more requisite to be well prepared against him before he be brought upon the stage, lest the issue of the business be not answerable to your expectations.

I have not yet heard any particulars mentioned by his excellency, nor by my lord chancellor or any other, nor do I know any in my private observations, which will amount to a clear proof of such matters as will satisfy the house of commons in the case of lieutenant-general Cromwell, (and according to our law, and the course of proceedings in our parliament,) that he is an incendiary, and to be punished accordingly.

However, I apprehend it to be doubtful, and therefore cannot advise that at this time he should be accused for an incendiary, but rather that direction may be given to collect such particular passages relating to him, by which your lordships may judge whether they will amount to prove him an incendiary or not.

And this being done, that we may again wait on your excellency if you please, and upon view of those proofs we shall be the better able to advise, and your lordships to judge, what will be fit to be done in this matter.

Maynard. Your excellency and my lord-chancellor are pleased to require our advice in this great business, and we shall deal clearly and freely with your lordships, which I think will be most acceptable to you, and will in conclusion be best for your service.

Mr. Whitelocke hath begun thus, and in speaking his own sense hath spoken much of mine, and left me the less to say, and I shall follow him in the same plainness and method as he hath begun, which I presume will be most pleasing to your lordships.

The word *incendiary* is not much conversant in our law, nor often met with in our books, but more a term of the civil law or of state, and so to be considered in this case, and to be taken according to the expression wherein it is used in the accord of the two kingdoms, and in the sense of the parliaments of both nations.

That sense of it which my lord-chancellor hath been pleased to mention, it doth bear *ex vi termini*, and surely he that kindles the coals of contention between our brethren of Scotland and us is an incendiary, and to be punished as it is agreed on by both kingdoms.

But, my lords, as you have been told, there must be proof made of such particulars of words or actions, upon which there may be suf-

ficient ground for a parliament to declare their judgment, that he who used such words or actions endeavoured thereby to raise differences, and to kindle the fire of contention among us, and so that he is an incendiary.

Lieutenant-general Cromwell is a person of great favour and interest with the house of commons, and with some of the house of peers likewise, and therefore there must be proofs, and the more clear and evident against him, to prevail with the parliament to adjudge him to be an incendiary.

I confess, my lords, I do not in my private knowledge assure myself of any such particulars, nor have we heard of any here, and I believe it will be more difficult than perhaps some of us may imagine to fasten this upon him.

And if it be difficult and doubtful, it is not fit for such persons as my lord-general and the commissioners of the kingdom of Scotland as yet to appear in it, but rather first to see what proofs may be had of particular passages, which will amount to a clear proof, upon which judgment may be grounded that he is an incendiary.

And when such proofs shall be ready to be produced, we may again wait upon your excellency, and the business will then be the more ripe for your lordships' resolution; in the mean time my humble opinion is, that it may be deferred.

Mr. Hollis and sir Philip Stapleton and some others spake smartly to the business, and mentioned some particular passages and words of Cromwell tending to prove him to be an incendiary, and they did not apprehend his interest in the house of commons to be so much as was supposed; and they would willingly have been upon the accusation of him.

But the Scots commissioners were not so forward to adventure upon it, for the reasons (they said did satisfy them) which were given by Mr. Maynard and me, until a further inquiry were made of particulars for proof to make him an incendiary; the which at length was generally consented to; and about two o'clock in the morning, with thanks and compliments, Mr. Maynard and I were dismissed; and I had some cause to believe that at this debate some who were present were false brethren, and informed Cromwell of all that passed among us; and after that, Cromwell, though he took no notice of any particular passages at that time, yet he seemed more kind to me and Mr. Maynard than he had been formerly, and carried on his design more actively of making

way for his own advancement, as will appear in progress of this ensuing story.

The lords sent to the commons that a speedy answer might be given to the papers of the States' ambassadors, and for audience to be given to the French agent; and a committee was named to consider of the manner of his reception.

A report was made to the house, by their command, of the particular passages betwixt his majesty and the committee that carried the propositions to him, which they had forborne
118 before to mention, but the house having an intimation thereof, ordered the particular passages thereof to be reported to them, which was done, as I have mentioned them before.

The commons ordered 6000*l.* for providing store of arms and ammunition.

A party of the Newark horse being quartered near the town, colonel Thorney fell upon them, took eighty horse, one major, several inferior officers, two colonels, twenty-four troopers and arms.

The commons took order for settling magistrates in Newcastle, though different from the course of their charter, and disfranchised some of their aldermen.

The parliament's committee at Newcastle sent up a great quantity of coals for relief of the poor of London, whereof the commons gave notice to the lord mayor, and orders for the distributing of them.

The clause for marriage in the Directory was agreed unto. An ordinance passed for relief of soldiers' widows.

Letters were ordered to several counties for levying arrears due to the army, and for the deputy lieutenants and committees to assist the commissioners of excise.

The commons agreed to the reception of the States' ambassadors as formerly.

Sir William Massey was made one of the assembly of divines.

Hotham. The court-marshal adjudged sir John Hotham to have his head cut off.

Higgins, the lord-general's trumpeter, returned from Oxford, where he said he was more courteously used than before; and that the king commanded he should be kindly used and rewarded; and that he was not, as formerly, hoodwinked when they brought him in.

Prince Rupert by the king's direction sent a letter to the general for a safe conduct for the duke of Richmond and the earl of Southampton, to bring unto the parliament of England assembled at Westminster, and the commissioners of the parliament of the kingdom of Scotland, an answer of the propositions lately presented to his majesty for a safe and well grounded peace. Safe conduct.

The commons voted that no member of either house of parliament shall, during this war, enjoy or execute any office or command military or civil, and that an ordinance be brought in accordingly. Vote. Self-denying ordinance.

This was moved by Mr. Zouch Tate, who brought it in with a similitude of a boil upon his thumb, and was set on by that party who contrived the outing of the lord-general, and to bring on their own designs; and they could find no other way than by passing a self-denying ordinance, (as they called it,) which would serve their turn, both as a specious pretence of their own integrity, and waving all self-ends, and so plausible to the people, and would also comprehend the lord-general with the rest, and without naming of him, which for shame and ingratitude they could not think fit to be done.

Some of them confessed that this was their design, and it was apparent in itself, and the reason of their doing this was to make way for others, and because they were jealous that the lord-general was too much a favourer of peace, (a good fault in a general of an army,) and that he would be too strong a supporter of monarchy and of nobility, and other old constitutions, which they had a mind to alter: such is the ingratitude of people, and the incertainty of their favour, no confidence can be placed therein for this gallant man's sake, who was a most faithful servant to the public, and performed so many brave services for them, to the utmost hazards of his own life, honour, and fortune, and for all this had no other recompense but an unhandsome affront by a side wind, and cunning contrivance of his enemies to remove him from his commands, so gallantly and successfully executed by him.

A safeconduct was assented to for the duke of Richmond and the earl of Southampton, and the committee of both kingdoms ordered to get the concurrence of the Scots commissioners, and to send it with expedition to the king.

Major Duett, with a party of colonel Ludlow's regiment,

fell upon a party of the king's horse near Salisbury, took colonel Cooke, lieutenant colonel Hooker, divers inferior officers, forty soldiers, one hundred and sixty horse and arms, and killed about twenty of them.

Sir John Hotham's son, captain Hotham, was tried before the court-marshal, for betraying a regiment of horse of the parliament's to the enemy, and for treachery, and betraying his trust in divers particulars proved against him by his own words, letters, and actions, and many witnesses produced to make good the charge.

Dutch ambassadors.

The States' ambassadors were received with great state and honour by both houses; who thanked them for their offer of a mediation of peace, and desired the continuance of amity and friendship with the high and mighty lords the States, but in regard propositions for peace were now on foot between his majesty and his parliament and the Scots commissioners, nothing otherwise could be now done therein.

The ambassadors replied in French, that they would return what they had received to their lords, and they desired a further answer to their propositions touching free trade.

When they were gone out of the house, the speaker desired that some of the members who understood the French tongue better than he might interpret to the house the effect of the ambassadors' speech in French, which usually was done by Mr. Hollis; and he being now absent, I was called up to do it; and thereupon the house named a committee to consider of their propositions for a free trade to the ports of the enemy.

An ordinance passed for satisfaction to wagoners who lost their carriages in the late fights.

The earl of Northampton with three thousand horse much infested part of Bucks and Oxfordshire: order was taken for money to pay the forces of those counties to resist him.

Somerset-house was ordered to be prepared for the king's commissioners, and voted that no member of either house should visit or speak with, or send or receive any message to or from, those that should come from Oxford, unless they had leave for it.

Liberty was given to any members that would, to go visit sir John Hotham before his death.

The self-denying ordinance was read, and a day of public fast ordered.

Crowland was surrendered to the parliament's forces on conditions, the officers to march away with swords and pistols, the foot to leave behind them their arms, ordnance, and ammunition.

The petition of divers Londoners was read, commending the vote for the self-denying ordinance, and they again had the thanks of the house.

Colonel Massey fell upon a party of the king's at Salisbury near Bristol, took one hundred and twenty horse, one hundred arms, fifty prisoners, and twelve officers. 119

Captain Hotham made a defence before the court-marshal, and justified treaties with the enemy, as a commander for the service of the parliament; other charges he denied, and excepted against some witnesses. Hotham.

The commons ordered that none but members of the house should come to the church where they kept the fast.

The lords reprieved sir John Hotham for a few days, till he had better settled his estate. Both houses kept the fast in Lincoln's-Inn chapel, and none were to be present there but the members only. And some said that the preachers desired it might be so, that they might speak the more freely to them, especially upon the point of the self-denying ordinance. Fast.

Both houses agreed to receive the lords that were come from the king in the painted chamber, by a committee of fourteen lords and twenty-eight commoners; and they desired from the lords a list of their retinue, to the end no affront might be offered to them. Lords from Oxford.

Hereof they had not cause to complain, as the parliament's commissioners had at Oxford; for these lords and all their attendance were civilly treated by all sort of persons. And this order for the list was the rather made, to discover such as came to town with the lords under pretence of being of their retinue when they were not, but came to do ill offices to the parliament.

Sir Symond D'Ewes had an order to present a minister to a living in his gift.

Order was taken for raising of moneys for the English and Scots armies in the north for certain months.

Mr. Roger L'Estrange was apprehended for a design to betray Lynne in Norfolk to the king; and for that end had a L'Estrange.

treaty with captain Lemmon, lieutenant-governor there, who shewed a compliance with L'Estrange, but acquainted colonel Walton, the governor, with all the passages. Whereupon L'Estrange was seized upon; and with him was found a commission from the king, authorizing him for this service, and engaging that if the town were gained, that L'Estrange should be governor of it, and have great preferment, and what rewards he should promise for effecting it, not exceeding 8000*l.*, should be paid, and divers other fair promises made: and this was noted to be when the treaty for peace was on foot.

Several places to be betrayed.

The like design was for betraying St. Nicholas island by Plymouth, but prevented by the lord Roberts, the governor: the like was for the betraying Stafford, prevented by sir William Brereton: the like design was for betraying of Reading, discovered by the apprehending of a spy, who having lighted matches put to his fingers confessed all; and alderman Harrison and his complotters were seized upon.

The self-denying ordinance passed the house of commons without excepting any member.

Answer to the propositions for peace.

The committee of lords and commons received the king's answer to the propositions for peace, wherein the parliament and the commissioners of Scotland were acknowledged; and the king desired, that in regard of the great alteration in government, both of church and state, imported in the propositions, that the same, and reasons for any alteration or explanation of them, may be debated and weighed.

He therefore proposeth, that the parliament would appoint such number of persons as they should think fit to treat with the like number of persons to be appointed by his majesty upon the said propositions, and such other things as shall be proposed by his majesty for preservation and defence of the protestant religion, with due regard to tender consciences, the rights of the crown, the liberty and propriety of the subject, and the privilege of parliament; and upon the whole matter to conclude an happy and blessed peace.

Taunton-castle was relieved by colonel Hepburne and major Van Russe, and divers of the besiegers taken prisoners.

The protestant forces and subjects in Munster petitioned

the king's commissioners against a further cessation of arms there, which was to be treated on by those commissioners with the rebels.

The two houses and the Scots commissioners agreed upon an answer to the king's message sent by the duke of Lenox and the earl of Southampton, that they did consent to a treaty as was proposed: but in regard there were many things which will take up some time for preparation thereunto, both for the time and manner how to treat, they have sent back his majesty's messengers, and will return a speedy answer by messengers of their own. Answer to the king's message.

They held this way the fitter to be taken, because those two lords and their company were labouring and plotting whilst they were here against the interest of the parliament; which was intimated to them by a petition from the common council of the city.

An agent of the queen of Swedeland addressed himself to the houses by letters from the queen, acquainting them that he had matters of great importance to communicate to them from the queen his mistress, and acknowledged the parliament, and desired audience. Agent from Swedeland.

The self-denying ordinance was again brought to the house to be perfected, and a clause offered to be added, that it should not extend to any lord-lieutenants, deputy-lieutenants, justices of peace, or commissioners of oyer and terminer, who were members of either of the houses of parliaments. Self-denying ordinance.

Upon this debate many spake against the ordinance, and among the rest I, to this effect: (some of my speeches are the rather inserted, because thereby the debates will be more fully understood.)

Mr. Speaker,

I am one of that number of your servants who have no office or employment but such as you are now about to except out of this ordinance, nor have ambition for any, and therefore may the more freely and indifferently, yet with all submission, humbly offer my reasons against it, as that which I apprehend may prove prejudicial to your service.

It hath been objected, that your house and the house of lords is thin and empty, and you the less esteemed having so few members here, many of them being employed in offices that they cannot attend

the houses, but that by this ordinance they will be at leisure and liberty to attend the service of the parliament here, and the houses be much fuller than now they are.

I confess, sir, this is fit to be remedied, but I apprehend you have a fitter way than by this ordinance to do it; that is, by issuing out new writs for electing new members in the places of those who are dead or expelled: and this will satisfy the objection, and engage divers of interest and quality the more immediately in your service; whereas this ordinance will discontent many, and the houses will be but little the fuller by the passing of it.

Another objection is, that if this ordinance do not pass, the treaty for peace will not so well proceed, and the particular interests of members of parliament may retard the same, but will be all taken away by this ordinance.

I am to seek how this can be materially objected, when I suppose, whether this ordinance pass or not, yet you intend members of parliament only to be your commissioners for that treaty; and in case some of them be officers, they will the better understand your businesses on which the treaty will be grounded.

Another objection is, that unless this ordinance pass, the great work intended of new modelling your armies will not so well be carried on; for that by putting all out, there will remain no exception.

I should rather have argued, that by putting out all members out of their employment, the exception and discontent would be the more general, and by leaving them still in their employments there would be the less competition and solicitation for new officers in their rooms.

Another objection or argument is, that the members of parliament who are officers, being of equal power in parliament, will not be so obedient to your commands as others who have smaller interests, and would not so much dispute one with another.

Surely, sir, those whose interest is the same with yours have the more reason to obey your commands than others, and have more to hazard by disobedience than others can have, and in your commands all your members are involved, and it were strange if they should be backward to obey their own orders.

Nor will the contests be so frequent and high between them and other officers, as it will be between those who will be of a more equal condition.

But, Mr. Speaker, as you consider the inconveniencies if this ordinance do not pass, so you will be pleased to consider the inconveniencies if it do pass.

You will lay aside as brave men, and who have served you with as much courage, wisdom, faithfulness, and success as ever men served their country.

Our noble generals the earls of Denbigh, Warwick, Manchester, the lords Roberts, Willoughby, and other lords in your armies, besides those in civil offices not excepted; and of your own members the lord Grey, lord Fairfax, sir William Waller, lieutenant-general Cromwell, Mr. Hollis, sir Philip Stapleton, sir William Brereton, sir John Meyrick, and many others, must be laid aside if you pass this ordinance.

And I am to seek, and I doubt so will they be to whom you shall refer the new modelling of your armies, where to find officers that shall excel if equal these.

If your judgments are, that for the public service it will be expedient to remove any of them from their commands, let the same (if you please) be plainly made known to them from you.

Let them have what they deserve, your thanks for their former good services, and they will not be offended that you, having no more work for them, do lay them aside with honour.

But to do a business of this nature (as hath been well said) by a side wind, is, in my humble opinion, not so becoming your honour and wisdom as plainness and gravity, which are ornaments to your actions.

I shall conclude with the example of the Grecians and Romans, amongst whom, sir, you know that the greatest offices both of war and peace were conferred upon their senators; and their reasons were, because they, having greater interests than others, were the more capable to do them the greatest service.

And having the same interest with the senate, and present at their debates, they understood their business the better, and were less apt to break that trust which so nearly concerned their private interests, which was involved with the public; and the better they understood their business, the better service might be expected from them.

Sir, I humbly submit the application to your judgment; your ancestors did the same; they thought the members of parliament fittest to be employed in the greatest offices: I hope you will be of the same judgment, and not at this time to pass this ordinance, and thereby to discourage your faithful servants.

The debate held till it was late at night, and then upon the question, (as some called it,) envy and self-ends prevailing, the ordinance passed the house of commons, and was voted to be sent up to the lords for their concurrence.

An ordinance passed for observation of the fast-day, especially on the next Wednesday, being Christmas day.

The petition of the lord Carbury was referred to a committee for his relief.

Lords from the king.

The parliament's answer to the king's message being delivered to the duke of Richmond and earl of Southampton, they said they had some further matters from the king to impart to the two houses, and desired to be heard of them: but the committee answered, that they had not power to receive any new message.

Then the duke of Lenox demanded, whether they might not deliver it to the speakers of both houses. The committee said, that they could not give advice therein. But this being reported to the houses, they ordered the committee to receive from those lords what they had to offer further from the king.

I attended the committee that gave audience to the agent from the queen of Swedeland.

Mr. Pierpoint carried up to the lords the self-denying ordinance.

The two lords from the king delivered in a paper to the committee, declaring the willingness of his majesty that no time should be lost in bringing on the treaty, and to desire that commissioners might be then nominated. To which was returned, that they had already the answer of both houses and of the Scots commissioners, which the parliament desired might be presented to his majesty at Oxford.

The lord Digby treated about ten weeks together, by messengers and letters, with major-general Brown to betray Abingdon, making offers to him of great preferment and reward. The major-general wrote to a friend about it, and desired his advice in it; who counselled him to entertain the treaty, to shew a compliance with Digby, and to give fair hopes of effecting what he desired, and in the meantime to get the works about the town finished.

This was agreeable to the opinion of the major-general, and he had begun the treaty with the lord Digby and carried it along, with great hopes to the lord to have the town surrendered, and that his wit and eloquence had prevailed with the *Woodmonger*, as he styled him.

Brown gave an account of all the letters and passages from

time to time between them; and he was encouraged to carry on the design, even to the appointment of a day for payment of money to him, and for his rendition of the town to Digby, and even to the permission of part of the king's forces to enter the town, and then to fall upon them.

But Brown thought it not good to proceed so far; but after so much time spent in treaty and expectation, Digby required the town to be rendered by a positive day, but Brown having well finished his works, gave his lordship a positive denial, which much enraged him. 121

The reasons of the dissenting brethren to the directory of the church government by presbyters, with the answers to those reasons, were presented to the house, and a day appointed for the debate of them. Dissenters.

An ordinance passed for sir Thomas Allen's composition for delinquency.

Knasborough was surrendered to the parliament upon conditions; and there were taken four pieces of ordnance, store of arms, money, and 1500*l.* worth of plate.

Letters from the committee of Kent informed, that the king had lately sent three commissions into Kent, one for the betraying of Dover-castle, another for Chatham and some ships, and the third to array men in the west of Kent. All which were discovered, and the execution of them prevented; one of the commissions was dated when the committee were at Oxford, with propositions for peace.

Captain Redman with a party from Northampton set upon a party of the king's forces going to Banbury, took prisoners the L. St. Paul a Frenchman, sir John Fenwicke, two of the Stricklands, fifteen others, thirty horse and arms, and a sumpter with rich cloths.

Colonel Thorney with a party from Nottingham took in a garrison of the king's near Newark, and in it the master of the house, sir Roger Cooper, and his brother, and fifty others prisoners with their arms.

Decemb. 23. Sir Alexander Carew by sentence of the court-marshal was beheaded. Sir A. Carew.

The commons voted to refer the consideration of the manner of the treaty upon the propositions for peace to the committee of both kingdoms, but the lords were for a new committee for it.

The court-marshal pronounced sentence of death against captain Hotham.

Laud. The lords having voted the archbishop guilty of the matters charged against him for matter of fact, desired satisfaction from the commons in point of law, that those matters were treason.

The commons ordered the removal of their forces from the counties near London, near to the enemy to straiten them, and to be in readiness to attend their motions.

Taunton. Letters from sir Anthony Ashley Cooper informed of the relief of Taunton town and castle, held out to admiration, by colonel Blake, notwithstanding his great want of ammunition and provisions, and that the works there were inconsiderable.

Colonel Edward Windham sent a threatening summons to Blake to render the town and castle, upon pain of fire and sword; and persuaded the doing of it, because of the indefensibleness of the place, and to prevent the effusion of more Christian blood. Blake returned this answer:

> These are to let you know, that as we neither fear your menaces nor accept your proffers, so we wish you for time to come to desist from all overtures of the like nature unto us, who are resolved to the last drop of our blood to maintain the quarrel we have undertaken; and doubt not but the same God who hath hitherto protected us will ere long bless us with an issue answerable to the justness of our cause; howsoever, to Him alone shall we stand or fall.

Not long after this, a strong party of the parliament's forces brake through the besiegers, and supplied the town with store of provisions, and what they wanted.

Gen. Essex. The commons made an order for the better payment of the 10,000*l.* per annum formerly granted to the lord-general, out of delinquents' estates, in consideration of his great losses by the enemy, and his ever to be remembered good services. This was put on now by some to sweeten him, upon the transmitting of the self-denying ordinance.

The commons voted to hear no private business for ten days.

Mr. Roger L'Estrange was tried for a spy before the court-marshal, coming from the king's quarters, without drum, trumpet, or pass, to betray Lynne garrison.

Sir Thomas Middleton and colonel Mitton took in a gar-

rison of the king's near Mountgomery, and in it colonel Ballard the governor, Lloyd the high sheriff, divers officers, two foot colours, sixty common soldiers, with store of arms and pillage.

The assembly of divines presented to the house some further additions to the directory for worship.

Much time was spent to settle the payment of the northern armies, and to enable the Scots to march southwards.

The commons concluded their debate upon the directory for worship.

A letter was agreed to be written to the parliament of Scotland from both houses here, to express the great engagement of this kingdom to them for their brotherly assistance.

The lords, upon the petition of sir John Hotham and his son, thought fit to pardon the father, and desired the concurrence of the commons therein; but upon the question it was carried in the negative, not to be taken by them into consideration. Hotham.

The court-marshal gave judgment of death upon Mr. L'Estrange.

The commons passed an ordinance for continuing the court-marshal for three months longer, and another for disfranchising some aldermen of York.

The commissioners ordered the commissioners of the great seal to issue out the sheriffs' patents to the messengers of the seal.

The lords debated the self-denying ordinance.

They concurred with the commons to refer the business of the treaty upon the propositions for peace to the committee of both kingdoms.

Major-general Brown marched out with a party towards Oxford, and was near taking the Fort Royal there, but his design was discovered and prevented, yet he brought away forty men and horse with him.

Several orders were made for money for the Scots and other armies, and for supply of the forces in Ireland.

Divers of Bucks petitioned against the outrages of the parliament's forces in that county.

Colonel Bulstrode was made governor of Henley and Phyllis-Court, but he was shortly after called away to his regiment, and colonel Charles Doyley made governor there. But he and the soldiers falling out, they had like to have

killed him, and he would stay there no longer; and colonel Purbeck Temple succeeded him.

Hotham. Sir John Hotham was going to his execution, and much company expecting it on Tower-hill, when a messenger came with a reprieve from the lords: but the commons sent to the lieutenant of the Tower, to know the reason of deferring the execution when they did not consent to any reprieve for him.

122 The lord Fairfax's forces took in Pomfret town, and close blocked up the castle, and other castles thereabouts.

Colonel Bright fell upon a party of the king's under sir William Cobbes, took divers officers and soldiers and good horses from them.

A party of the Newark forces, in the nighttime, surprised some of the parliament's forces, and took near two troops of them.

The Leicester forces drove the forces of Hastings out of Ashby town into the Tower, and took divers prisoners and arms.

Prince Maurice laid down his commission for the west, and the lord Hopton was made general there, and laboured to get a new army.

January 1644. The directory for worship was finished by the commons, and sent up to the lords by Mr. Rouse.

Upon the debate touching the reprieve of sir John Hotham
Vote. by the lords, the commons voted, that no officer made by ordinance of both houses should stay the execution of justice by any order of either house without the concurrence of both houses.

They likewise ordered that the lieutenant of the Tower do proceed to the execution of sir John Hotham, according to the sentence of the court-marshal.

Hotham. Captain Hotham, his son, sent a petition to the lords and another to the commons, praying his pardon, but it was denied, and the same day his head was cut off.

Mr. L'Estrange petitioned the lords that his case might be heard before the parliament, which was consented to by both houses.

Letters were ordered to be written by the speaker to Sussex, Surrey, and Hampshire, for raising of dragoons formerly undertaken.

One hundred and fifty horse from Oxford possessed them-

selves of Beselsley, Mr. Speaker's house near Abington, intending to fortify it, but major-general Brown sent out a party under colonel Boswel, to whom upon his summons they rendered the house on conditions to march away, only one, who had formerly broke prison at Abington, was denied that favour.

Sergeant Wilde, Mr. Brown, and Mr. Nicholas, offered reasons and arguments to the lords, that the matters proved against the archbishop were treason.

An answer was ordered to be given to the papers of the Scots commissioners, to be sent by them to the parliament of Scotland.

A committee of both houses was named to receive from the Swedish agent some matters which, he said, he had further to impart to them from the queen.

Hotham. Sir John Hotham, in the morning before his execution, procured a motion in the house of commons for his pardon, which took up a debate, and sir John, being brought to the scaffold on Tower-hill, expected the good news of his pardon, and the time was protracted till two o'clock in the afternoon, but the commons would not grant his desire.

H. Peters. He spake shortly to the people, and Mr. Peters prayed with him, and spake to the people in his name; and told them that sir John's father said to him, when he was going forth to be a soldier, "Son, when the crown of England lies at stake, you will have fighting enough." He was somewhat fearful of death, and his head was cut off.

Treaty. The committee of both kingdoms reported their opinion to the lords, that the place for the treaty of peace should be Uxbridge, and the commissioners to be four lords and eight commoners, and four Scots commissioners, to which the lords agreed, and sent to the commons for their concurrence.

Both houses agreed to send commissioners to the parliament and assembly in Scotland.

Queen of Swedeland. The queen of Sweden's letter to the parliament was read, and contained a narrative of the king of Denmark's hard usage of the crown of Sweden, and the great affection that queen bears to England.

The directory of worship was fully agreed upon by both houses, and ordered to be printed, and two of the assembly to take care thereof, and that a course shall be taken for publishing and settling of it to be generally used.

The commons ordered that the assembly of divines should write a congratulatory letter to the assembly in Scotland; and to acquaint them what they had done, and that the parliament here had agreed in those matters.

Laud. The lords agreed to the ordinance for attainder of the archbishop of high treason, and to be hanged, drawn, and quartered for it.

Treaty at Uxbridge. The commons agreed that the place for the treaty should be Uxbridge, the commissioners for the parliament to be sixteen, and as many for the king.

The propositions touching religion, the militia, and Ireland, to be first treated on, and twenty days allotted for them, that his majesty's propositions be received by the parliament's commissioners at Uxbridge, and transmitted to the parliament.

The commons proceeded to the directory for the government of the church, and voted, upon a long debate, that to have a presbytery in the church is according to the word of God.

Laud. The commons sent to the lords for their concurrence to a warrant for the execution of the archbishop according to the ordinance for his attainder, to which the lords agreed; and a warrant issued to the lieutenant of the Tower to deliver the prisoner to the sheriffs of London, to see execution done accordingly.

The parliament's forces that relieved Taunton in their retreat fell upon the enemy's quarters, and took many horse and divers prisoners.

Colonel Ludlow's regiment thinking themselves secure in their quarters at Salisbury, about two hundred of them were surprised; the colonel and the rest brake through, and got to Southampton, and took colonel Fielding and some others prisoners.

The Scots forces got the town of Carlisle, and the king's forces in the castle sent to treat.

The lord Fairfax possessed Pomfret town, and close blocked up the castle, and Scarborough, Skipton, and Sandal castles were blocked up by the parliament's forces.

Ordinances passed for payment of 6000*l.* lent by the commissioners of excise, and 10,000*l.* lent by Mr. Estwick.

The lords at a conference gave reasons to the commons against passing the self-denying ordinance, wherein they

affirmed the honour of peerage to be so much concerned; and the commons ordered a committee to draw up reasons in answer to those delivered by the lords.

The lords acquainted the commons with a petition from the archbishop, and a pardon granted to him by the king, under the great seal, two years since, but it was denied by both houses, being granted before conviction; and if it had been after, yet in this case of treason against the kingdom, they said, it could not be available. Laud's pardon.

His petition was, that in case he must die, that he might be beheaded, not hanged, and that three of his chaplains, Dr. Heyward, Dr. Martin, and Dr. Stern, might be with him before and at his death, for his soul's comfort. 123 Laud's petition.

The commons denied both, only allowed Dr. Stern, with Mr. Marshal and Mr. Palmer, to be with him.

The sheriffs of London attended in person to know the manner of the execution of the archbishop, for which they were referred to the warrant of both houses, that he should be hanged, drawn, and quartered.

Divers of the lord-general's officers of foot petitioned the commons, and very modestly, for the better discipline of the army, for which the house gave them thanks: but this was looked upon by some as an ill precedent, for officers of the army to petition the parliament, and it proved so afterward. Army petition.

The commons being informed that a party of about five thousand horse and foot of the king's were near Peterfield, and had taken Christ-Church, and were drawing towards Surrey, to disturb that association, they sent some of their members to the lord-general and to the earl of Manchester, to give an account why their forces lay quartered on their friends near London, and did not remove nearer to the enemy, according to former directions.

At this time the earl of Manchester was under a kind of accusation, and the lord-general in discontent, sir William Waller not much otherwise, the forces not carefully ordered, and the parliament's business but in an unsettled condition; so that it was high time for some other course to be taken by them. Discontents.

The commons appointed an ordinance to be brought in for the ease of free quarter.

The lords sent another petition from the archbishop to the Laud.

commons, that he might not be hanged, but beheaded, and the lords gave their reasons why they had assented to it; and after some debate the commons agreed to it also.

Order was made for provision for some of the assembly of divines who had lost their means by the enemy.

Colonel Holborn, with the forces under him that relieved Taunton, took about two hundred of the king's horse near Bridgewater.

Provisions were ordered to be sent by Mr. Davies for Ireland.

The commons agreed with the lords in an ordinance for the lady Wilmot, who professed much affection to the parliament, and agreed for pardon of some condemned prisoners in Newgate.

Breach of privilege.

The commons offered their reasons to the lords for passing the self-denying ordinance, and shewing the breach of privilege in sending to the commons their lordships' reasons without the ordinance.

The commons gave order to the commissioners of the great seal, to issue out the patents for new sheriffs.

The commons debated the model of the new militia, and it was propounded that the army should be twenty-one thousand horse and foot.

Laud.

Jan. 10. The archbishop was brought to the scaffold on Tower-hill, and made a speech to the people, (as he called it,) his *last sermon*, in which he endeavoured to excuse the matters charged against him, and professed himself of the religion of the Church of England, as it stands established by law; then he prayed to God to bless the parliament, and to direct them that they may not fall under any misgovernment.

He concluded thus:

I forgive all the world, all and every one, bitter enemies or others, whatsoever they have been, which have any ways prosecuted me in this case, and I humbly desire to be forgiven, first of God, then of man; whether I have offended them, or they think I have, Lord forgive them; and now I desire you to join with me in prayer.

Then he made a short prayer audibly, kneeling at the rail; after that, putting off his clothes, coat and doublet, he kneeled to the block, and upon a sign given, the executioner took off his head at one blow.

Beheaded.

The lord-general and earl of Manchester returned answer

to the parliament concerning the removal of the army nearer to the enemy.

The commons desired the lords to use expedition in passing the self-denying ordinance, for that the kingdom suffered much for want of passing it.

They permitted a certificate to be made of the judgment in the king's-bench against the duke D'Espernon.

They debated about the new model of the army.

The lords delivered to the commons further reasons against the passing of the self-denying ordinance, but the commons ordered that their whole house should go up with a message to the house of peers for the speedy passing of it; and they acquainted the lords with their order to exclude all private business for eight days longer.

Captain Swanley took a ship, and in her the commissioners sent from Ireland to treat with the king about a further cessation, with the king's commission under the great seal, and instructions about concluding a peace with the rebels of Ireland.

The whole house of commons went up to the lords, with a message to importune them to pass the self-denying ordinance; the lords returned answer, that they would speedily take the same into consideration, which they did, but rejected the ordinance; and here first began to increase the great difference between the two houses of parliament, which swelled to so great a height as you will see afterwards. Differences betwixt lords and commons.

The commons proceeded about the model of the army, and resolved that it should be twenty-one thousand horse and foot, six thousand horse, one thousand dragoons, and fourteen thousand foot: the six thousand horse to be divided into ten regiments, the dragoons into single companies, and every regiment of foot to consist of twelve hundred men, and ten companies in a regiment; the whole charge of this army to be 44,955*l.* by the month, to be raised by a proportionable assessment. Model of the army.

The lords sent to the commons the names of their commissioners, the earls of Northumberland, Pembroke, Salisbury, and Denbigh; and that a letter be sent to the king for a safeconduct for all the commissioners for the treaty of peace; but the commons did not now name their commissioners, because of the rejecting of the self-denying ordinance.

They also sent to the commons to come to some resolution concerning the business of Dunnington-castle.

The king's forces under general Goring went off from near Portsmouth, and upon their remove colonel Jephson the governor visited their quarters, and took some prisoners.

Colonel Mitton from Oswestree fell upon three troops of sir John Biron, took two captains, other officers, nineteen troopers and arms.

Commissioners for the treaty.

The commons named their commissioners for the treaty, Mr. Pierpoint, Mr. Hollis, L. Wenman, sir Henry Vane ju-
124 nior, Mr. St. John, Mr. Whitelocke, Mr. Crew, Mr. Prideaux; and they agreed that the number of the attendants of the parliament's commissioners should be eighty.

The commons voted a commission for the lord Inchequin to be president of Munster, and sent it to the lords for their concurrence, and a warrant to the commissioners of the great seal to pass the said commission.

The commons passed another vote, that many congregations may be under one presbyterian government, in order to the directory for government of the church.

The lords agreed to the ordinance for regulating of free quarter, with a clause added, to exempt themselves and their attendants, and the members of the house of commons, from billeting soldiers; which the commons would not agree unto, they desiring to be in no other condition than their fellow subjects were.

Letters from major-general Brown certified, that three days before prince Rupert, prince Maurice, colonel sir Henry Gage, governor of Oxford, and others, with a party of about one thousand horse, and eight hundred foot, came against Abington on Cullam side, intending to storm the town; and gained the bridge before notice was given, and were about to pull the same down.

To prevent which, the causey to the bridge being very long
Brown. and narrow, Brown was compelled to send some of his men into the meadow where was much water, notwithstanding, with much cheerfulness they marched through the water.

And after a hot dispute, which lasted near four hours, they beat the enemy from the bridge, who betaking themselves to the hedges, Brown's men with wondrous courage beat them from the hedges, and afterwards quite out of the field.

A party of his horse at the same time, when a party of the king's fell on them in their quarters, slew, wounded, and took almost all of them, in which service major Bradbury was slain upon the bridge, and about eight of Brown's soldiers, and some wounded.

Of the king's party were slain sir Henry Gage and the major of the prince's regiment, with many others of note, and they carried away a cartload of dead men, besides those carried away on horseback.

The commons ordered thanks to be sent to major-general Brown for his good service, and 2000*l.* to pay his soldiers.

Letters from captain Swanley informed, that major-general Laughern took the town of Cardigan in Wales upon surrender, but the castle holding out obstinately, he made a breach with his great ordnance, and in three days took it by storm, and in it two hundred officers and soldiers, with their arms, and much plunder.

The States' ambassadors desired to take their leaves, and a pass to go to the king to take leave of him; they prayed likewise an answer to their propositions, touching shipping and free trade, which was referred to the committee of both houses for this business.

The lords concurred in the letter and money for Abington.

The lords sent down the names of the attendants of the four lords commissioners for the treaty, desiring the commons to do the like for their members, and they ordered them to bring in a list the next day.

The commons proceeded in the directory for church government, and voted pastors, doctors, teachers, elders, and deacons, to be the officers of the church.

Sir Richard Greenville made a gallant assault upon Plymouth, and possessed two or three of the outworks, and turned the ordnance against the town, but the garrison with great resolution beat them out again, and slew many of them.

The commons ordered sir William Waller for the present to command in chief in the west, with a party of six thousand horse.

A ship of Scarborough driven by storm into Hartlepoole was there seized on by the parliament's forces, and her two brass and four iron pieces of ordnance, with store of arms.

Sir Thomas Fairfax and colonel Forbes standing together

near Pomfret-castle, a cannon bullet from thence came betwixt them, and the wind of it beat them both to the ground, and put out one of colonel Forbes's eyes, and spoiled that side of his face, and yet no other hurt to sir Thomas Fairfax.

The commons considered the business of the navy at sea for the next spring, and the estimate of the yearly charge both for summer and winter guard was proposed to be 100,000*l.* per annum.

Plymouth. Letters from the lord Roberts informed of the particulars of the business at Plymouth, that Greenville alarmed the works about the town in four several places, and after a very hot dispute became master of one great work, but was beaten off from the other three works with great loss, leaving seventy-five of his men dead upon the place, and at least four times as many more slain in the service, and many hundreds wounded.

As soon as they were beaten off the three works, the Plymouth-men (who behaved themselves with extraordinary gallantry) environed the fourth work, and the enemy presently surrendered it upon quarter; there were many prisoners taken, and much arms.

The house took care for supply of that garrison.

One Dobson was ordered to be tried for contriving and printing a scandalous book against the parliament, and the lord-general and they gave order for suppressing all scandalous pamphlets.

Some who arrested a servant of sir Edward Hungerford's were sent for as delinquents.

The letter to the king about the treaty was finished, and Mr. Marshal and Mr. Vines appointed for the two ministers to attend the commoners.

Sir Peter Killegrew was sent with the letters to the king, and was to bring back a list of the king's commissioners for the treaty, and of their attendants.

An ordinance read and referred to a committee of the whole house for laying the assessment for the armies upon the several counties.

They appointed a day to consider of the business of Dunnington-castle and the earl of Manchester.

The lord Savile, earl of Sussex, the lord Piercy, and the lord Andover were confined at Oxford.

The business of Dunnington-castle and of the earl of Manchester were taken into consideration, and a week's time given for the earl to be heard therein if he please.

An affront done to the commissioners of excise in Lancashire was referred to examination, and the house resolved to be severe in upholding the power of the commissioners.

The sergeant-at-arms was sent to apprehend one as a delinquent, for serving of a *subpœna* upon a member of the house of commons.

Goring with his forces coming before Christ-Church were 125
beaten back by major Lower, and many of them killed.

The commons proceeded in the business of the new model of the army, and nominated sir Tho. Fairfax to command in chief, and colonel Middleton, Holborn, Fortescue, and Barkley to be four of the colonels.

Then they appointed a committee to consider what honour should be conferred on the earl of Essex for his fidelity and good services to the public, the like for sir William Belfour, and to settle the payment of their arrears to such as should not be employed in the new establishment.

The commons proceeded upon the ordinance for the new assessment.

Colonel Lambeth was ordered to speed down into the north, to take care of the forces there (he being commissary-general of the lord Fairfax's army) when sir Thomas Fairfax should come up.

Colonel Holborn took in the king's garrison at Sydenham-house, and therein about one hundred prisoners, and the high sheriff of Somersetshire, and ten commissioners of array; and after that, he fell upon the lord Hopton's forces going to join with Greenville, took some hundreds of them, and drove the rest to Bristol.

The king made prince Maurice general of Worcester, Hereford, and Shropshire; and some of his forces began to fortify Cambden-house.

Letters from secretary Nicholas being intercepted, gave no hopes of peace upon the intended treaty.

Sir Peter Killegrew returned from Oxford with the king's answer concerning the treaty, and the names of the king's commissioners, with a safeconduct, and propositions from the king to be treated on.

The safeconduct was enclosed in a letter from prince Rupert to the earl of Essex, and was to this effect:

CHARLES REX.

Safeconduct. Charles by the grace of God king of England, Scotland, France, and Ireland, defender of the faith, &c. To our generals, lieutenants-general, commanders-in-chief, generals of towns, colonels, lieutenants-colonel, captains, officers, and soldiers, belonging to any of our armies or garrisons, and to all other our ministers and loving subjects to whom these presents shall come, greeting. Our pleasure and command is, that every of you permit and suffer that Algernon earl of Northumberland, Philip earl of Pembroke and Montgomery, William earl of Salisbury, Basil earl of Denbigh, Thomas lord viscount Wenman, Denzil Hollis, William Pierpoint, sir Henry Vane junior, Oliver St. John, Bulstrode Whitelocke, John Crew, Edmond Prideaux, for the lords and commons assembled in parliament of England at Westminster; and John earl of Loudon lord chancellor of Scotland, Archibald marquis of Argyle, John lord Maitland, John lord Balmerino, sir Archibald Johnston, sir Charles Erskin, George Dundas, sir Jo. Smith, Mr. Hugh Kennedy, and Mr. Robert Barkley, for the estates of the parliament of Scotland, together with Mr. Alexander Henderson, and their retinue mentioned in a list annexed, together with the retinue of the Scottish commissioners, not exceeding in all the number of one hundred and eight persons, together with their horses, coaches, and all other accommodations for their journey, may repair to Uxbridge from London, stay there, and return at their pleasure; and that they and any of them be permitted freely and as often as they shall please to go themselves or send any of their retinue to and from Uxbridge and London, without any let, hinderance, interruption, or molestation whatsoever: and to these our commands we require your due obedience, as you tender our service, and will answer the contrary at your utmost perils. Given under our signet at our court at Oxford, the 21st day of January, 1644. By his majesty's command,

EDW. NICHOLAS.

The king's propositions were signed likewise "Edw. Nicholas."

The names of the king's commissioners appointed for the treaty, for whom prince Rupert desired a safeconduct from the parliament, were these: the duke of Richmond, marquis Hertford, earl of Southampton, earl of Kingston, earl of Chichester, lord Seymour, lord Hatton, lord Capel, lord Culpepper, sir Orlando Bridgman, sir Edward Nicholas secre-

tary, sir Edward Hyde, sir Richard Lane, sir Thomas Gardiner, Mr. John Ashburnham, Mr. Geoffrey Palmer, with Dr. Stewart, Dr. Laney, Dr. Selden, and their attendants, in all to the number of one hundred and eight.

They were to meet with the parliament's commissioners on Wednesday the 29th of January, at Uxbridge, upon the treaty for peace.

The States' ambassadors were satisfied with the answer of the parliament to their papers, and said they would acquaint the States therewith, expressing their good affections to the parliament.

The commons in a grand committee further debated the ordinance for new modelling the army, and inserted therein the names of sir Thomas Fairfax and of major-general Skippon. Army.

They proceeded upon the directory for church government, and voted that several congregations be under one classis; and that the church be governed by congregational, classical, and synodical assemblies; and that there shall be one at least in every particular congregation to labour in the word and doctrine. Church.

Both houses referred the papers of the treaty to the committee of both kingdoms, to consider what is fit to be done; and ordered that the ministers in their several congregations on the next Wednesday, the day of the public fast and of the beginning of the treaty, should pray to God for his blessing upon it.

Both houses ordered that the lord Macquire should come to his trial in the king's bench.

A difference was between the two houses touching the safeconduct for the king's commissioners, the committee of both kingdoms having altered some of their titles given them by the king since the great seal was carried away from the parliament; as the earl of Chichester they called lord Dunsmore, lord Culpepper sir John Culpepper, lord Hatton sir Christopher Hatton, and the new made knights they called Mr. Hyde, Mr. Lane, and Mr. Bridgeman. Houses differ.

The lords gave their reasons why the new titles should be given in the safeconduct, the commons gave reasons against it, as contrary to one of their propositions, and at length the titles were agreed to be altered.

A petition from Bedfordshire complained of the unruliness of the soldiers there, taking horses in markets from the country people, and then making them to redeem them again for money; and particularly against one captain Crauford.

126 The like from Sussex and Bucks, and complaining of the ravishing of women and murdering of men: to redress which evils a committee was appointed to consider.

These were the fruits of civil war: robberies, ravishings, and innumerable wicked actions committed by the barbarous soldiers, to the unspeakable misery of the poor country.

The commons further debated upon the ordinance for the new model of the army, and for the assessment for their pay, and ordered the members of each county to bring in names of commissioners for the assessment in every county.

About eleven hundred of the king's horse and foot issued out of Chester, and fell upon sir William Brereton's quarters,
Brereton. and to relieve Beeston-castle, closely besieged by Brereton; who hearing of the enemy's coming, drew out a party to encounter them: they placed their ambuscadoes, which the parliament's forces brake through, and routed the enemy.

They took of them prisoners, colonel Worden, colonel Ware, divers other officers, two hundred common soldiers, as many horse and arms, and killed and wounded a great number of them. This party of the parliament was commanded, the horse by lieutenant-colonel Jones, and the foot by major Louthian.

News was brought that a merchant's ship from London, bound for the East-Indies, revolted to the king, and went to Bristol, having in her twenty-eight pieces of ordnance, and above 30,000*l.* in goods.

A party of the king's forces from Newark came forth to gather contribution, and took prisoners some countrymen that were in arrear. The committee of Nottingham having notice thereof, sent forth a party, who pursuing those of Newark, they left their prisoners and five or six of their men behind, and hastened to their quarters.

Nottingham men followed them close, and so far, that another party of the Newark forces came forth upon them, routed them, recovered their prisoners, and took of the parliament's party major Meldrum, lieutenant Smith, and about twenty-eight soldiers, with their arms and horses.

The commons resumed the debate about the new titles of the king's commissioners, in the safeconduct for them, and at last it was agreed that the new made knights should have that title given them, because it was not a title under the great seal. Titles.

And for the new made earl and the two new lords, their new titles were not given them in the safeconduct, because they were granted by the king after the great seal was carried away from the parliament; and so sir Peter Killegrew was sent away towards Oxford, with the safeconduct thus corrected.

The commons were moved for the exchange of the lord Brereton for sir John Northcot; but they denied it till his lordship should declare the business of the killing of divers of the parliament's friends in cold blood at Nantwich.

The city petitioned the supply of Plymouth, which had been two years besieged, and concerning matters of trade, and had thanks for their care.

The commons finished the ordinance for the new model of the armies, and passed several votes concerning church government.

Sir Peter Killegrew, who went to Oxford on Saturday, returned on Monday with the king's answer, that he waved the matters of honour, and was content that his commissioners should treat under those titles that were admitted by the parliament.

A complaint was made against colonel Harvey by several petitions, particularly by Mr. Squire, concerning 3000*l.* taken from him by the colonel or some of his officers, which was referred to a committee to be examined.

Divers compositions of delinquents were allowed.

The ordinance for raising and maintaining forces under the command of sir Thomas Fairfax was sent up to the lords.

An ordinance was read for enabling the Scots to march southwards.

Sir Charles Sherley and Mr. Devereux were sent for as delinquents, for sending a challenge to a member of the house of commons, who was also sent for.

Both houses agreed that the three first days of the treaty should be for religion, the three next for the militia, and another three days for Ireland, and so *alternis vicibus;* and Treaty.

sent these votes to the committee of both kingdoms for the concurrence of the Scots commissioners, who desired some alterations: upon which the commons debated till ten at night, and then adjourned the debate till the next morning, though it were the fast day.

Colonel Crauford. Colonel Crauford going from Aylesbury with about eighty horse, to seek quarters, met with about one hundred and twenty of the king's men under colonel Blake, governor of Wallingford; and after a hot dispute between them he routed Blake, whom Crauford wounded in a single charge between them two.

Blake escaped by the goodness of his horse, all his men except fourteen were killed and taken, and some few desperately wounded, and Crauford lost but three men and some wounded.

News came from the west that Greenville, in discontent, had pistolled colonel Champernoun and his brother.

Treaty. The commons sat all the fast day about the business of the treaty; the lords sat in the afternoon; and at length all was agreed with the Scots commissioners, that the treaty is to be upon the three propositions in order, three days upon each, and to begin with religion.

Difficulties. And now some began to observe the difficulty, if not inconvenience, of carrying on their affairs with a concurrence of commissioners of another kingdom, whereupon grew delays and difference of opinions, and not overmuch inclination to submit to reason more than to will.

Letters from colonel Jephson informed that Goring's forces had much endeavoured, and offered great rewards for the betraying of Portsea-bridge; and some who complied with him were apprehended: that Goring was in Normandy, beating up drums for soldiers to come for England.

A party of Goring's forces fell upon the quarters of some of the parliament's forces near Farnham, took forty prisoners, two colours, killed five or six of their foot, burnt a barn full of corn, four houses, and set fire on several parts of the town.

The commons ordered sir William Waller into the west, to prevent these mischiefs.

The covenant was ordered to be read in the churches every fast day.

The commons ordered a letter for the speedy bringing up of the Scottish army; but many were not satisfied therewith. Scots.

A party of the king's from Dunnington and Bazing, going to join with the lord Hopton, by the way plundered the country and surprised the west-country carriers. Colonel Devereux, with a party from Marlborough, fell upon them, took prisoners sir Anthony Saint Leger, their commander-in-chief, major Hyde, divers other officers, thirty troopers, fifty horse 127
and arms, and rescued the plunder.

Colonel Lucas was put out by the king from being governor of Belvoir-castle, and sir Guy Palms put in his place: and sir John Biron was removed from being governor of Newark upon jealousy, that he held correspondence with some of the parliament's party.

The king's garrison in Latham-house, (as was informed,) contrary to an agreement and cessation of arms, sallied out, and did much mischief to the parliament's friends.

Jan. 29. The commissioners for the treaty on both parts met at Uxbridge, and had their several quarters; those for Uxbridge.
the parliament and all their retinue on the north side of the town, and those for the king on the south side, and no intermixture of the one party of their attendants with the other: the best inn of the one side was the rendezvous of the parliament's commissioners, and the best inn of the other side of the street was for the king's commissioners.

The evening that we came to town several visits passed between particular commissioners of either party; as, sir Edward Hyde came to visit Mr. Hollis and me, the lord Culpepper visited sir Henry Vane, and others of the king's commissioners visited several of the parliament's commissioners, and had long discourses about the treaty, and to persuade one another to a compliance.

I visited sir Edward Hyde and Mr. Palmer and sir Richard Lane and others, and several of the parliament's commissioners visited divers of the king's commissioners, and had discourses with them tending to the furtherance of the business of the treaty.

The town was so exceeding full of company, that it was hard to get any quarter except for the commissioners and their retinue; and some of the commissioners were forced to lie two of them in a chamber together in field beds, only

upon a quilt, in that cold weather, not coming into a bed during all the treaty.

This place being within the parliament's quarters, their commissioners were the more civil, and desirous to afford accommodations to the king's commissioners, and they thought it fit to appoint sir John Bennet's house, at the further end of the town, to be fitted for the place of meeting for the treaty.

The foreway into the house was appointed for the king's commissioners to come in at, and the backway for the parliament's commissioners: in the middle of the house was a fair great chamber, where they caused a large table to be made like that heretofore in the starchamber, almost square, without any upper or lower end of it.

The king's commissioners had one end and one side of the table for them; the other end and side was for the parliament's commissioners, and the end appointed for the Scots commissioners to sit by themselves. Behind the chairs of the commissioners on both sides sat the divines and secretaries, and such of the commissioners as had not room to sit next to the table.

At each end of the great chamber was a fair withdrawing room and inner-chamber, one for the king's, the other for the parliament's commissioners, to retire unto and consult when they pleased.

Precedence. The first night of our being together, a little before supper, an intimation was given that the chancellor of Scotland expected both at the table and meetings to have precedence of all the English lords, and that Mr. Barkley and Mr. Kennedagh expected to have precedence of the English commissioners who were but esquires, except Mr. St. John, to whom they were pleased to allow precedence, because he was the king's solicitor.

Upon discourse, the arguments they insisted upon for the chancellor were, that he was the prime officer of Scotland, and had precedence of all dukes there, unless they were of the blood royal; and both the kingdoms being now united, he was to have the same precedence in England as he had in Scotland.

To which was answered, that he was not chancellor in England, nor had any precedence here, but in courtesy, as

earl of Loudon; that formerly, when the great officers of England attended the king into Scotland, as soon as they came thither they ceased to execute their offices, and had no precedence there; and that it ought to be alike with the chancellor of Scotland when he was here.

For the precedence of Mr. Kennedagh and Mr. Barkley before the commissioners who were esquires, they were informed that I and Mr. Crew were eldest sons of knights, and that by the law of England those were to have precedence next to knights, and consequently before the Scottish gentlemen; with which they were satisfied; but still they insisted upon the point of the chancellor's precedence.

The earl of Northumberland smiled at this contest, and seemed to contemn it, of whose great honour and family, and the antiquity of it, the Scots commissioners could not be ignorant, nor of the difference between that and the family of the earl of Loudon.

Yet Northumberland moved, for satisfaction of the Scots, that the chancellor and one other of the Scots commissioners might sit at the upper end of the table, (which was not taken for the chief, but for the women's place,) and the rest of the commissioners to sit in their ranks on either side: and so that matter was for the present settled.

Officers had been sent down from the parliament to prepare all things fit for the commissioners, and for their diet and entertainment, at which the Scots commissioners were contented to have their share; and things were ordered very nobly and handsomely.

Mr. Thurloe and Mr. Earle were secretaries for the English, and Mr. Cheesely for the Scots commissioners: none sat at the table with the commissioners but the ministers when there was room; and sometimes strangers, or persons of quality, that came into us; and a very full table was there kept for us; and always before every meal one of the ministers, Mr. Marshal or Mr. Vines, and now and then Mr. Henderson, prayed, and suitable to the occasion.

On the first day of our meeting, Jan. 30, in the evening, before we entered upon the treaty, each side desired to know the other's power for the treaty, and to have copies thereof.

A petition from Kent presented by their committee express their good affection to the parliament, and encourage the Petition.

commons to pursue the self-denying ordinance, and the thanks of the house was returned them.

The king's forces advancing towards Newport Paganel, sir Samuel Luke, the governor, was sent down thither.

Divers orders were made for supplies for the several forces.

128 The members of the house attended the burial of Mr. John
Mr. White. White of the Middle Temple, a member of the house of commons, a puritan from his youth to his death, an honest, learned, and faithful servant to the public, but somewhat severe at the committee for plundered ministers.

The lords read the bill or ordinance for raising forces under sir Thomas Fairfax; and the commons ordered a letter to be sent to him for his speedy coming up to the parliament: and whilst the treaty for peace went on, they did not slacken their pains to prepare for war, in case the treaty should take no effect.

For the motion of the Scots army southwards, letters were passed by the commons and sent up to the lords.

Treaty. Jan. 31. The commissioners for the treaty having viewed and considered each other's powers and instructions, exceptions were taken on both sides to the meaning of some clauses in their instructions.

Both houses explained their meaning in those clauses excepted against, and the king's commissioners sent to Oxford for satisfaction to that which was excepted against by the commissioners of both kingdoms.

They agreed to give in to each other papers in writing of their particular proposals, and then, as there should be occasion, to have verbal debates upon any of those particulars; and accordingly the parliament's commissioners delivered in papers to the king's commissioners of four particulars concerning religion, first to be treated on:

The directory for worship.

The taking away the Book of Common Prayer.

The confirming of the assembly of divines.

And for the king to take the covenant of both kingdoms.

Feb. 1644. 1. Before the commissioners on either part for the treaty insisted on any debate upon particulars, several resolutions were made by consent of both sides to this effect:

That all overtures of the treaty should be set down in writing.

That whatsoever should be agreed to on both sides, upon any one or more of the propositions, should be null, and of no force, in case the treaty break off upon any of the propositions.

The parliament's commissioners delivered to the king's commissioners in writing the propositions and votes of both houses concerning the settling of religion in a presbyterial way, which were appointed for the debate of the three first days of the treaty.

Unto these the king's commissioners did make some queries, as,

Queries.

1. What was meant by the presbyterial government propounded to be established?

2. What was meant by classes?

3. What was meant by provincial and synodical assemblies?

4. What by the bounds of parishes? with other questions depending upon these.

Doctor Steward.

Upon the entrance into the debate of the points, doctor Steward spake very learnedly (though seeming frowardly) against presbyterial government in the church of England; which had so long been under episcopacy, which he thought most suitable to our church, and to be *jure divino*.

Jure divino.

Mr. Henderson and Mr. Marshal answered the doctor, commending the presbyterian way of government; and that episcopacy was not so suitable to the word of God as presbytery, which they argued to be *jure divino*.

To which the marquis Hertford spake to this effect:

Marquis Hertford's speech.

My Lords:

Here is much said concerning church government in the general; the reverend doctors on the king's part affirm that episcopacy is *jure divino;* the reverend ministers of the other part do affirm that presbytery is *jure divino:* for my part, I think that neither the one nor the other, nor any government whatsoever, is *jure divino;* and I desire we may leave this argument, and proceed to debate upon the particular proposals.

The earl of Pembroke was of the same judgment, and many of the commissioners besides these two lords were willing to pass over this point, and to come to the particulars.

Dr. Steward thought the disputes to be too various and general, and desired that they might dispute syllogistically,

as became scholars, which was the best way to find out the truth.

Mr. Henderson told them, that he in his younger days had been a pedagogue, and had also read logic and rhetoric to his scholars, and had wholly of late declined that kind of learning; but hoped he had not forgot all of it, and therefore agreed to dispute syllogistically.

In that way they proceeded upon the points urged by the king's doctors, which were very clearly and learnedly opened by Mr. Vines, Mr. Marshal, and Mr. Henderson, and very learnedly replied unto by all the king's doctors, who did severally declare their judgments upon those points, but the arguments on both parts were too large to admit a place in this story for them.

Love's sermon.

The king's commissioners complained of a sermon preached by Mr. Love at Uxbridge the morning before they entered upon the treaty; wherein, they said, were many expressions in derogation of his majesty and the present treaty. The parliament having notice thereof from their commissioners, sent for Love, and referred the business to an examination.

The commons passed an ordinance for tunnage and poundage.

2. Mr. Marshal preached this Sunday to the parliament's commissioners.

3. The commons denied an exchange for colonel Smith, once a member of theirs, because he being a prisoner of war escaped, and was retaken; and because they were informed that he said, the only way to make the king's forces successful, was to kill all the ploughmen they met with, that the people might be deterred from ploughing their grounds, and so starve the roundheads.

Purefoy.

Letters from major Purefoy, governor of Compton-house, informed, that about one thousand two hundred of the king's forces, about two o'clock at night, fell upon him and stormed his outworks, and cut down the great drawbridge; possessed themselves of all Purefoy's troop-horses, and took about
129 thirty of his foot soldiers in their beds; they, taking the alarm, made good a new sconce, and beat the enemy out of the court, where about two hundred of them were entered, and ready to storm the sconce.

They were forced to retreat, and by a party of the gar-

rison, of about forty, fought at push of pike and sword's point, till sir William and sir Charles Compton gave ground; which Purefoy's soldiers perceiving, leaped out at the windows, and recovered the outworks and the drawbridge, and drew it up again, and so got them in a pound.

The Comptons valiantly sought to storm again the outworks three times, and were as valiantly beaten back, after three hours' fight; they set on fire the hay, straw, and combustible stuff, which much annoyed Purefoy's men, and they threw above one hundred hand granadoes, which set fire on the house in several places.

Then the Comptons sent a trumpet to parley, but Purefoy forbad him speaking to the soldiers, and sent him away.

The fight continued, and the fire increased; Purefoy drew all his men together, and fell upon the enemy, and killed and took many of them, upon which the Comptons drew off their foot, and faced the house with their horse, and sent another trumpet to parley, who was answered only with the shot of a musket.

Of Compton's men about twenty officers were killed and taken, six cartloads of wounded men carried off, and about forty common soldiers left dead behind, and many more taken prisoners, and great store of arms, and Purefoy writes that he had but two men wounded.

Northampton horse the next night fell upon the same party of the king's near Banbury, and took sixty horse and thirty prisoners.

The king's commissioners having received answers to all their queries touching presbyterian government, it was desired by the parliament's commissioners that they would declare their resolutions therein, positively or negatively; but answer was returned, that they could not until they had made a further progress in the other propositions. Treaty.

Thereupon the parliament's commissioners delivered in to them several papers to treat on the business of the militia, which was appointed to be debated the next day in the morning.

4. The commissioners being met, sir Edward Hyde, in the first place, would have had it for granted that the whole power of the militia by the law of England is in the king only. Militia.

This by me was denied to be so very clear: and I under-

took to make it out that our law doth not positively affirm where that great power is lodged, and doubted not but to satisfy the commissioners fully in that point. Whereupon it was moved that a day might be appointed to hear their arguments; when the earl of Southampton interposed, saying,

My lords, We have already spent much time in debates touching the matters of religion; and although I should be very glad to hear both these worthy gentlemen speak to this point, by whom we may receive much satisfaction therein; yet I think that it will more conduce to the settling of our business, to decline any debate upon this matter, and to see how far we can meet one another in the composure of the business upon this proposition.

Hollis. My lords, I think it is very well moved by that noble lord for saving of our time, and more for endeavouring to compose any difference that may be upon this proposition, by coming as near as we can to satisfy one another; and therefore, though I should account the time very well spent to hear these worthy gentlemen, who, I believe, would very much enlighten our judgments in this matter, yet I doubt it may not tend so much to a composure of it as may be by declining the debate.

Several others of the commissioners spake to the same effect with the earl of Southampton and Mr. Hollis; and thereupon it was thought fit to lay aside the debate between sir Edward Hyde and me: and the commissioners proceeded in the treaty upon the particulars of the propositions of the militia.

The commissioners of both kingdoms, at their return to their quarters, gave me thanks for encountering sir Edward Hyde upon the point of right of the militia, wherein he was so confident, and said the honour of the parliament was concerned therein, and vindicated by me.

Assembly. The assembly sent to the commons a further part of the directory for government of the church in a presbyterial way, as to the point of excommunication, and that some of them dissented in that point.

Army. The lords agreed to the ordinance for the new model of the army under sir Thomas Fairfax, with some alterations and additions, that the officers should be named by both houses; that all the officers and soldiers shall take the covenant, and submit to the church government agreed on by

the houses; and that every lord-lieutenant be of the committee of that county for this ordinance.

Many orders about the Scots army moving southwards, and for supplies for them, and for an establishment for the garrison of Portsmouth.

Captain Hacker going to fortify sir Erasmus de la Foun- Malton.
tain's house near Malton, a party of the king's came upon them, but were repulsed; and during the fight, some of Hacker's men running into the house for powder, set two barrels on fire, which blew up part of the house, but withal discovered plate and jewels to the value of 600*l.* that were hid there by the enemy.

Colonel Hastings for the king sent out warrants, for carriages to fetch hay to Ashby; the parliament's forces sent out their warrants to bring the hay to Coleorton; but Hastings was too quick, and had compelled the country to load the hay, and with a strong guard was bringing of it to his garrison.

Captain Temple, the high sheriff of the county, having notice thereof, with his troop got between them and Ashby in the van, and three troops of Derby following in the rear; after a little engagement, Hastings's men fled, and were routed and pursued, forty of them taken prisoners, sixty horse, arms, and all their hay.

5. Debate about the ordinance for the new model, and orders concerning musters, and pay of the army and about the navy, and for guards of the fishermen.

A committee of both houses to consider of sundry letters and papers concerning the county of Leicester.

Letters from captain Cranley from Portsmouth informed that the lord Brabson, sir Henry Tichburne, sir James Hare, and the rest of the king's commissioners for the Irish business, lately taken at sea, had letters and papers taken about them of great consequence, which with the prisoners were sent up to the parliament, who referred the business to the committee of both kingdoms to be examined.

The point of peerage in the trial of the lord Macquire was Peerage.
argued in the king's bench, and the opinion of the court was, 130
that he should be tried there by an ordinary jury.

The king's commissioners at Uxbridge kept a solemn fast, and the like was in all the king's quarters for the good suc-

cess of the treaty, and in the evening they delivered a paper to the parliament's commissioners, that the next day they would give their answer touching the militia.

6. The debate touching excommunication put off.

Report of the bill for taking away of bishops, and those of Ireland added to be abolished, and several votes concerning church government sent up to the lords.

Some new sheriffs appointed.

Orders for supplies for Abington.

Cardigan-castle. Colonel Gerard besieged Cardigan-castle kept by lieutenant-colonel Poole, and by stratagem got into the town, and cut down the bridge to prevent relief coming to the castle, where they wanted provisions.

Gerard sent a summons to the castle, that if they did not surrender by a day they should have no quarter. Poole and his men returned answer, that they had divers raw hides, which when they wanted provisions they would first eat, and when they were spent, then they would come out and fight for their lives, but would not surrender the castle.

In the meantime Poole sent to major Laughorne for relief, who came with a strong party, and finding the bridge broken down, he by fagots and pieces of wood got his men over the river, and sent an arrow into the castle with a letter to give them notice of his coming, and that they should sally out upon the enemy the same time that he fell on.

All which was performed so successfully, that Gerard's forces were all routed, two hundred of them slain upon the place, four brass pieces of ordnance, six hundred arms, and one hundred and fifty prisoners taken, whereof major Slaughter, divers inferior officers, and Dr. Taylor.

Militia. The king's commissioners gave in their answer about the militia, wherein they agree to settle the militia for three years, and in the hands of twenty persons, ten of them to be chosen by the king, and the other ten by the parliament: and that it shall be high treason for any to continue such power in the militia after three years. And for the militia to be settled in Scotland, they gave no answer at all; though the papers delivered into them were to settle the militia of both kingdoms.

This answer of the king's commissioners to the great point of the militia gave much dissatisfaction to the parliament's

commissioners. And the earl of Northumberland, Mr. Pierpoint, Mr. Hollis, and I, with others of us, advising in private about it, endeavoured, by particular applications to our friends of the king's commissioners, to get a better answer, and more complying with the parliament, from them.

But it could not be obtained; and they hinted to us, that they were bound up by their instructions from the king that they could go nó further. Yet they promised to send to Oxford, to see if they could prevail there for a further concession from his majesty in this particular. But nothing came of it.

We sent the papers on both parts in every despatch to the parliament, and when these of the militia were read the house of commons seemed much troubled at them: some were pleased, who were no great wishers of peace; and others doubted thereupon of any good success in the present treaty.

7. The lord mayor and aldermen of London sent a letter to the speaker, intimating the scarcity of flesh-meats, by the destruction of cattle in the time of these wars, and the good by encouraging the fishing; and submitted the whole, not as to the keeping of Lent, but to prevent dearth, to the judgment of the houses, who ordered an ordinance to be brought in for this business. London.

After a debate from morning till the evening upon the alterations made by the lords in the ordinance of the new model, the commons voted that sir Thomas Fairfax should nominate all the commanders in his army, to be taken out of any the other armies, and to receive the approbation of both houses. Army.

The Scots commissioners at Uxbridge were much unsatisfied that no answer was given touching the settlement of the militia in Scotland, and took it as an high neglect of that kingdom. Uxbridge.

They and the parliament's commissioners gave in some papers to the king's commissioners touching the propositions for Ireland.

A letter was passed to be sent to the parliament of Scotland concerning the Scots' present advance southwards.

8. The commons sat from eight o'clock in the morning till eight o'clock at night upon the alterations made by the Army.

lords in the ordinance for the new model, and agreed to most of them, and ordered reasons to be drawn up to satisfy the lords in those wherein they differed.

They voted that all officers in the new army that shall be approved by both houses shall take the covenant within twenty days, and the soldiers in a time to be set for it.

The rest of the papers upon the propositions for Ireland were delivered in to the king's commissioners for the treaty.

9. The Lord's-day, one of the ministers with the commissioners preached very seasonably for the occasion in the morning, and another in the afternoon.

Some visits passed between some of the commissioners on both parts, and endeavours to persuade one another to nearer terms of agreement, but to little effect.

10. Some debate touching the point of excommunication.

Scots. The lords concurred with the commons in a letter to the parliament of Scotland for the march of their army southwards, and the place of their rendezvous was referred to the committee of both kingdoms for the more secrecy thereof.

They also agreed in approbation of the opinion of judge Macquire. Bacon, in overruling the plea of Macquire in the point of Peerage. peerage, who was this day at his trial in the king's-bench, and excepted against twenty-three of the twenty-four returned of the jury.

The commons passed the bill for taking away episcopacy in Ireland as in England, and sent it up to the lords for their concurrence.

They nominated several high sheriffs.

11. Orders for money and supplies for the navy.

The reasons of the commons for their differing from some alterations made by the lords in the ordinance of the new model were delivered to the lords.

A petition of merchants trading into France (whose goods were seized there, and letters of mark granted against all that adhered to the parliament) was referred to the committee of both kingdoms, and to draw up a letter to be sent to the king of France for redress therein.

131 Propositions touching navigation sent from the lords.

Petition. The commons had information of a great design in Bucks to dissolve the treaty at Uxbridge, to be effected by a peti-

tion framed for them; and great endeavours to get hands to it in Bucks.

The petition was directed to the commissioners of both sides at Uxbridge, and five thousand inhabitants were designed to come with it.

The commons had a copy of the petition, the effect whereof was, that religion might be established as in the purest times of queen Elizabeth, &c.

Sir John Lawrence was informed to be the active promoter of this petition, and was therefore sent for in custody to the parliament.

The directory for worship was much approved by the assembly in Scotland.

General Leven went towards Carlisle to assist in the siege there.

Macquire upon his trial in the king's bench was found guilty, and had judgment of high treason pronounced against him, to be hanged, drawn, and quartered: he desired to be beheaded, and to have his execution respited till he might speak with sir Basil Brooke and Mr. Walter Mountague. The judge said, he would acquaint the parliament therewith, and observe their directions. Macquire.

The king's commissioners at Uxbridge gave in their answer to the proposition concerning Ireland, and therein justified the king in making a cessation with the rebels there; and that he is in honour bound to maintain it. And they would by no means yield to that part of the proposition, to prosecute the war against the Irish rebels. Uxbridge. Ireland.

The commissioners entered upon a second debate concerning religion; the king's doctors highly insisted upon episcopacy to be continued. Religion.

12. Orders for new sheriffs and for moneys for the army; and the lords were desired to expedite the ordinance for the new model.

News came that Goring's horse and a party of foot from Portland, by a sudden assault, took the works at Weymouth, and the town was in great danger to be lost, if not suddenly relieved.

Orders were thereupon sent to sir William Waller to march immediately for relief of Weymouth.

The house was in a grand committee to consider of the business of the navy and of the customs.

An ordinance passed for raising of moneys for the Scots army to march southwards.

13. Letters from sir William Waller intimated disobedience in some of the soldiers to march into the west, and desired further power. The house referred it to the committee of both kingdoms to give such power accordingly.

Such was the inconstancy of the soldiers, and the uncertainty of the affairs of the parliament and of war.

Soldiers unruly. Those who had been so well paid by the parliament now dispute their commands, occasioned by the unsettledness of the parliament's business, and the discontents among the soldiery, because their general, Essex, was laid aside. And here began their first unruliness.

Treasurers of counties ordered to pay no moneys to commanders who lay down their commissions without further order.

Letters from major Bridges, governor of Warwick, informed, that he sent two of the three companies of his garrison by small parties into the country, as to gather contribution, but commanded the officers not to return without further orders from him.

To these he got an addition of eighty foot and seventy horse; with these he marched all night; and the next morning by daybreak began to storm Stoke-house, which the king's forces were then fortifying, and stood between two other of their garrisons: the house was strong, and stoutly
M. Bridges. defended for an hour and an half, and then Bridges entered it by force, without the loss of one man, though they were without shelter, and the bullets and stones flew thick about them.

The king's garrison at Campden and Evesham drew out to relieve their friends; but Bridges had done his work, took away his prisoners, and fired the house, being a fort only of papists.

The prisoners were five papist captains, and about thirty more officers and gentlemen, all papists, besides the common soldiers.

Covenant. The commons delivered their reasons to the lords, why

they could not agree, that those commanders who refused the covenant should be made incapable of ever serving the parliament, because that scruple of conscience might in time be removed, and they be persuaded to take the covenant: to the rest they agreed.

At the same conference they offered letters that came from the army, from persons of credit, of the great complaints against some commanders of horse, and of the mutinous and disobedient carriage of the soldiers, refusing to march to relieve Weymouth, being in great distress; and that at the muster no men appeared so full and well armed and civil as colonel Cromwell's horse. Mutinous soldiers. Cromwell.

The lords then shewed other letters of the mutinous carriage of the soldiers, all which were referred to the committee of both kingdoms to be examined.

Letters from sir William Waller informed, that he was resolved to march to relieve Weymouth with those that will follow him, the rest to be looked upon according to their demerit. Waller.

The committee reported several murders, rapes, and other cruelties, committed by some of the parliament's soldiers, particularly some servants slain or wounded desperately of Mr. Hobey's, a member of the house, and he called by them *a parliament dog*. Soldiers insolent.

Some of the officers grew unsufferably dissolute and insolent, and their soldiers followed the example of their commanders, so that it was found high time to make a reformation among them.

The ordinance was debated for restraining the killing of flesh.

The French letters were stayed, because of sending the parliament's letters to the king of France to take off the seizure there of some of the English merchants' goods.

Goods of some tradesmen of London sold to the enemy were restored, because they were not for hostility, and the same men traded to Aylesbury.

Captain Stone, under sir William Brereton, marched with a small party against Patshall-house, a popish garrison, strongly fortified and moated; and taking the opportunity of the drawbridge being let down, he suddenly forced his Captain Stone.

passage, surprised the sentries, and fell in among the garrison, fought with them in the house, killed many, and took with divers gentlemen of quality two Jesuits and about sixty soldiers prisoners, and possessed the house, arms, and ammunition, and good prize.

Uxbridge. The first three days of the treaty were spent upon the propositions touching religion, the three next days about the
132 militia, the third three days about Ireland; then they began again with other three days about religion, whereof this was the last.

In this time of the treaty the king's commissioners would not agree to the taking away of bishops, only they offered some limitation of their power.

The directory for worship, settled by parliament, they would not agree unto; and the national covenant they in express and positive terms denied.

Dr. Steward and Dr. Sheldon again argued very positively
Jure divino. that the government by bishops was *jure divino*. Mr. Henderson and Mr. Vines argued as positively but more modestly to the contrary, and that the government of the church by presbyteries was *jure divino*.

15. The lords assented to the leaving out the clause in the ordinance for the new model, to make them incapable who
Covenant. refused the covenant; but that they should be displaced from their commands till they did take it; to which the commons, to avoid more delay, agreed; and so the ordinance passed.

Sir William Brereton sent out a party and beat the enemy from Holt-bridge, and placed a garrison there.

He continues the siege at Beeston-castle and Chester, and himself took the field, with the additional forces of Warwickshire and other counties, to attend the motions of prince Maurice.

16. The Lord's-day, the parliament's commissioners had two good sermons in their own lodgings.

17. The French resident wrote a letter to the house of commons, as by direction from his master the French king,
Uxbridge. advising the parliament to prolong the treaty at Uxbridge for some longer time, as that which in his opinion would conduce much to the good of the kingdom, and was of great

concernment, and that it was the custom of other princes to prolong treaties, and so it was then at the treaty of Munster. There was nothing done upon this letter.

The commissioners at Uxbridge were entered upon the propositions concerning the militia, *secunda vice*, and upon consultation of the commissioners of both kingdoms they held it requisite to send one of their own number up to the parliament, to give them a full account of all their proceedings hitherto, and to desire some further instructions from them, and particularly touching the militia. Militia.

Whitelocke was sent by them upon this service, and accordingly he gave an account to them, wherewith they declared themselves to be well satisfied, and approved the proceedings of the commissioners.

They likewise voted, that the commissioners at Uxbridge should treat three days more than the twenty days first allotted, in lieu of the three Lord's-days that happened in that time; so that the treaty is to continue till the two and twentieth of February, and that they shall have power to treat on any of the three propositions appointed to be treated on.

The marquis of Argyle sent into the army of the earl of Montrose some scouts and spies, who at first dealt faithfully with him, but afterwards betrayed him, and sent him intelligence, that the army of Montrose with the Irish rebels, come over into Scotland, were remote from him, whereas they were near to his forces. Argyle routed.

Argyle (though late) having discovered this, and the enemy's coming upon him, and finding his officers and soldiers full of mettle, resolved to fight them; but in the battle some of his men, those of Cantyre, revolted from him, and turned their muskets against their fellows.

This so discouraged Argyle's men, that they gave back and retreated; which Montrose perceiving fell on with great resolution upon them, routed the whole body of Argyle's men, killed divers, and took many of them prisoners.

A party of about one hundred and fifty of the king's from Skipton beat up colonel Brandling's quarters at Heightley, surprised the guards, came into the town, and took near a hundred prisoners, sixty horse, and other booty. Colonel Brandling.

As they returned, colonel Lambert's men fell upon them, rescued their friends and the booty, took captain Hughes Colonel Lambert.

who commanded the king's party, killed his lieutenant, and about fifteen of his men, and took about twenty of them prisoners, pursuing the rest to Skipton. Samon, one of Lambert's captains, and about eight of his soldiers were killed.

Sir John Meldrum got the power of the harbour at Scarborough, and appointed to storm the town.

18. Orders about the navy and new commissioners of the customs.

A letter from prince Rupert to the lord-general, for release of some persons imprisoned contrary to articles, was referred to the committee of both kingdoms, to have right done.

Sir Thomas Fairfax came privately to town, and a committee was appointed to consider of raising moneys and recruits for his speedy taking of the field.

Mutinous troops.

About seven hundred of the mutinous troops being come near London, care was taken to prevent Surrey, Kent, and the adjacent counties from any inconveniences by them.

Tobias Basely, formerly a porter, condemned by the council of war for a spy, and betraying carriers, was hanged in Smithfield.

Prince Griffith petitioned, that since he was in custody he was poisoned, and had but a few days to live. Whereupon two doctors were approved by the house to visit him.

19. Four members of the commons' house were sent by them for sir Thomas Fairfax, to bring him to the house, where a chair was set for him, but he modestly refused to sit down.

Sir Thomas Fairfax.

The speaker told him somewhat of Agamemnon and of the old Romans which I have forgotten; then he informed him of the great trust the kingdom reposed in him, in the command of the army, and the good opinion they had of him for his valour and fidelity; giving him thanks in the name of the house for the many and great services he had done for the public, and in the defence of religion, laws, and liberty; and encouraged him to go on as he had begun. And in the house he received his commission to be general.

The ordinance for tunnage and poundage sent up to the lords, and another touching the excise.

Weymouth held out, and received some relief by sea from Poole.

Sir William Waller was upon his march to them.

The house received letters from their commissioners at Uxbridge. Uxbridge. Militia.
Uxbridge, with several papers concerning the militia, and the reply made by the king's commissioners, who took advantage of the last point of time to deliver in their reply, when it might be conceived no answer could be made to it by the parliament's commissioners.

But they being empowered by their additional instructions to reassume the business of the militia when they pleased, the parliament voted, that their commissioners shall have power to treat with the king's commissioners about passing a bill for settling the militia in the power of the parliament, 133
until such time as the three kingdoms shall be reduced to peace, and so declared by parliament, and three years after; or else for seven years from the time of the granting the militia, and after that, his majesty to take the advice of both houses of parliament for the settling thereof. And the commissioners of both kingdoms delivered in a paper accordingly.

The earl of Southampton and some others of the king's commissioners went from Uxbridge to Oxford to the king, about the business of the treaty, to receive some further directions from his majesty therein.

The doctors reported Griffith to be in no danger.

20. The ordinance for tunnage and poundage, with the clause for currants, passed both houses.

Orders for setting forth the fleet.

Letters from Holland to the parliament advise that Brown Bushel was at sea with a small fleet, intended for piracy.

Information of a design to cause the soldiers to mutiny was referred to be examined.

An ordinance passed for raising of 21,000*l.* for the Scots army, to be repaid out of sequestrations. Scots army.

The committee at Goldsmiths'-hall had 30,000*l.* ready to be sent to the Scots army upon their advance southwards.

The king's forces intending to keep a guard near Harrington, Brown sent out a party of horse from Abington, who suddenly fell upon them, surprised the whole guard, being about nineteen, and brought them prisoners to Abington.

After that, he sent out another party, who intercepted and brought away twenty-seven horseloads of corn, cheese, and other provisions, going towards Oxford.

Major Purefoy fell upon the enemy near Oxford, took a lieutenant and other officers, twelve troopers, and arms.

Macquire. The lord Macquire was executed at Tyburn; he refused to make any confession, but died desperately.

Uxbridge. Militia. 21. The parliament sent an express to their commissioners at Uxbridge with their vote to propound a limitation of the militia for three years after the three kingdoms are declared by the king and parliament to be settled in peace, or to have it settled in the parliament for seven years after the time the king is willing to settle it.

To this effect they delivered in a paper to the king's commissioners, and endeavoured to persuade their compliance, and were full of hopes that they would have consented to it.

Several ordinances passed for 20,000*l.* supplied by the commissioners of excise, and an ordinance for all soldiers to repair to their colours within forty-eight hours; and an ordinance was sent up to the lords for the new commissioners of the customs.

Orders for the commissioners of the navy and for the prince elector.

Uxbridge. Ireland. 22. The commissioners at Uxbridge sent a letter to the parliament, with all the papers, containing the three treaties of the three last days about Ireland, wherein the king's commissioners did not think fit to yield to any of the propositions, but again justified the cessation with his majesty's catholic subjects there.

The parliament's commissioners, in their reply, laid home the innocent blood shed by the Irish rebels.

Scarborough. Letters from sir John Meldrum informed, that Feb. 18, about ten o'clock, the town of Scarborough was stormed in four places by the English and Scottish soldiers, who gained the town and church with the loss of eleven men; in the church they took eighty soldiers and the governor of Hemsley-castle.

Sir Hugh Cholmley. Cholmley, perceiving the town like to be lost, fled into the castle, and was pursued, and one of the works taken, but the white tower in the castle commanding it they beat out Meldrum's men with stones.

Cholmley laboured to escape by sea in a little pinnace he had there, which he called his *running-horse*, but Meldrum

got boats between him and the pinnace, and forced him back again into the castle.

Sir Hugh Cholmley had five Dunkirk vessels lying in the road, who interrupted Meldrum's men in the storm, but his cannoniers sunk two of them, and the other three fled away.

Meldrum took in the town and church, thirty-two pieces of ordnance, with store of arms, and other prize, and in the haven a hundred and twenty ships. Meldrum.

The commons ordered a 1000*l.* to be bestowed on sir John Meldrum, and 20*l.* to him that brought the news.

Weymouth still held out, and a party from Melcombe Regis sallied out upon the king's forces, who besieged these towns joining together, and took of them sixty horse, and many prisoners.

The king's commissioners, the lord Capel and Ashburnham, returned from Oxford to Uxbridge, after which the king's commissioners delivered in no further paper, but only insisted upon longer time for the treaty. Uxbridge-treaty broke off.

The parliament's commissioners answered, that if the king had consented to any one of the propositions, it might have been some encouragement to move the parliament for longer time, but as things were, it could not be expected.

Both houses sat till nine o'clock at night, in expectation of some good news from Uxbridge, this being the last day of the treaty; and about eight at night at a conference the lords communicated to the commons a paper from the king's commissioners at Uxbridge for the king to come to Westminster upon a safeconduct, so that the treaty might be continued for a longer time.

Which being debated, and a letter coming the same time from the parliament's commissioners from Uxbridge, that all this day till seven at night there appeared no compliance in the king's commissioners to grant any of the propositions, and that they pressed only for a longer time;

Upon this the house of commons did rise, without doing any thing in the business; and this night till twelve o'clock the commissioners may treat, and not longer; and the parliament's commissioners have declared, that to-morrow, being the Lord's day, is not intended for one of the two days within the safeconduct for them to return.

This caused much trouble in the minds of many honest

men, lovers of their country's peace; and divers of the king's commissioners, as well as the other, seemed sorry that all their endeavours to so good an end should prove so fruitless.

The king's commissioners thought the advantage much on their part that longer time to treat was denied by the parliament, and gave it out, that if that had been granted there would have been a happy issue of the treaty.

Those of the other side affirmed, that there could be no expectation of a good issue of the treaty, or inducement for the parliament to grant longer time for the treaty, when not one of the parliament's propositions was granted by the king during the whole time of the treaty.

Various judgments were passed by all persons, according
134 to their own fancies or interests, most sober men lamented the sudden breach of the treaty.

Colonel Fiennes sent out a party of his regiment, who fell upon a party of the king's near Newbury, took forty good horse and all their arms, about 100*l.* in contribution money, which the enemy had gathered in the country, took prisoners major Maxwell, captain Paddon his lieutenant, and sixteen soldiers.

23. The Lord's-day the commissioners had sermons in their lodgings.

Dutch ambassadors.

24. The States' ambassadors came to the speaker in the morning, before he went to the house, and desired audience in the house this morning, to impart to them something of consequence. The speaker excused it, that the house could not give a reception answerable to their quality on such short warning. They desired not to insist on that, and to come only with their own attendants.

The speaker acquainted the house herewith, and they gave way to the ambassadors' coming, who went first to the lords, and after to the commons, and delivered their message to this effect.

Shewing, the great desires and endeavours of their masters continued for an accommodation between the king and parliament, which concerns all protestants, and particularly their lords and masters: that his majesty, while they were at Oxford, honoured them by communicating to them what passed at the treaty at Uxbridge;

And declared to them, that if the parliament be not satisfied with what he offered concerning church government, his majesty is contented that a national synod be called of divines from all the protestant churches in Europe for their advice herein.

After this their message delivered, the ambassadors returned, and this morning the commissioners of parliament returned from Uxbridge to the two houses, but made no report till the next day.

Letters from captain Batten informed, that he had relieved Melcombe Regis by sea with provisions and a hundred seamen: that sixty men in Weymouth were privy to a plot for betraying Weymouth to the enemy.

That the parliament's forces in Melcombe, by the benefit of a fair wind, fired divers of the enemy's ships in the haven, and a part of Weymouth; that colonel Sydenham and his men maintain Melcombe with great gallantry.

Captain Swanley by sea relieved Plymouth, and landed some foot soldiers there, who with a party of the garrison sallied out upon the besiegers that had gained a hill, and mount Stamford work, formerly slighted; but now the king's forces were busy in raising a very strong work there.

The garrison and seamen fell upon them unexpectedly, beat them from their new work, and at length out of the field, and pursued them two miles, took a hundred and four officers and common soldiers, whereof a licutenant-colonel, a major, four captains, and other inferior officers, and three hundred arms, and lost but one man slain and another wounded.

A party of sir William Brereton's under sir John Price, a member of parliament, took Apseley-house in Shropshire, and in it sir William and sir Thomas Whitmore, sir Francis Oatley, Mr. Owen, and other commissioners of array there sitting, and about sixty common soldiers. Prince Maurice declined fighting with Brereton. Colonel Crauford at Rusham in Oxfordshire took forty horse with men and arms of the king's. Brereton.

25. The parliament's commissioners reported all the passages the last day of the treaty. The commons approved of what was done by the commissioners, and that they had Treaty.

discharged their duties with singular judgment and fidelity; and returned them thanks for their pains.

Letters from the committee at Wem and from sir William Brereton informed, that the committee having several times attempted the taking of Shrewsbury, but failed therein, on the last Lord's-day about twelve hundred horse and foot, under colonel Mitton, marched to Shrewsbury, and unexpectedly entered and surprised the town and castle.

Shrewsbury taken.

They took there eight knights and baronets, forty colonels, majors, captains, and others of quality, and two hundred others, prisoners, one captain and five soldiers slain, fifteen pieces of ordnance taken, store of arms and ammunition, prince Maurice's magazine, divers carriages, bag and baggage of the prince's.

An allowance was given to the lord Herbert of Cherbury for his livelihood, having been spoiled by the king's forces.

Upon the city's petition, an ordinance for rating those who have stocks in trade, and absent themselves; and orders for seizing suspicious persons and arms; and an ordinance for raising soldiers, gunners, and chirurgeons for sir Thomas Fairfax's army.

With an exception to press none in the universities, inns of court, and chancery, trained bands, &c., or esquires, or their sons or officers, seamen, &c.

26. The public monthly fast solemnly kept.

27. A messenger from Melcombe Regis informed that the town held out still, and expected sir William Waller's approach to them; that a party of eighty of their horse sallied out, and routed near three hundred of the enemy, and took sixty horse, and another time thirty.

The house ordered colonel Cromwell to march with all speed into the west to join with Waller.

The government of Shrewsbury was referred to the committee of that county, and 4000*l.* to be provided for them to raise forces, and 20*l.* given to their messenger.

Langdale.

A party under sir Marmaduke Langdale, marching northwards, fell upon a party of the parliament's in Northamptonshire, whom they routed, killed some, and took divers of them prisoners, and the rest shifted for their lives, and by flight saved themselves.

The same party of the king's fell upon some dragoons of the parliament's in Leicestershire, and routed them.

28. Several officers of the new army approved by the commons.

A party of colonel Massey's men under his brother fell upon sir John Winter in the forest of Dean, routed him, and made him swim the river of Wye, in which sixty of Winter's men were drowned, seventy slain, besides colonel Gamme and lieutenant-colonel Winter, one hundred and twenty taken prisoners, one hundred and forty horse taken, several officers, and three hundred arms.

The commons ordered a letter of thanks to Massey, and supplies.

1. The commons proceeded in the list of the officers of the army. March 1644.

They sent to the city to call a common hall the 4th of March, that the commissioners for the treaty at Uxbridge might then acquaint the city with the proceedings at that treaty, and the averseness of the king's party to the peace. They have already set forth a declaration at Oxford for the vindication of themselves in that business. Common hall.

An ordinance for provisions for the parliament's forces before Pomfret, another for the Essex forces. 135

Letters from colonel Sydenham and captain Batten informed, that Goring had spent much time with five thousand horse and foot before Melcombe, but had made no honourable attempt, only the night before endeavoured to cast up a work before Melcombe betwixt it and the seas; but Sydenham sent out a party, who beat them from their work, killed two, and took divers prisoners, and all their tools, without any loss.

3. The commons passed the list of officers for the new army.

Mr. Pryn was ordered to print the proceedings of the archbishop's trial.

Orders for a committee to hasten the declaration of the proceedings of the treaty at Uxbridge, in which much labour was put upon Mr. Pierpoint and me.

Mr. Sherrington, Talbot, and Mr. Dowdeswell, commissioners of array in Wigorn, were taken and sent up.

The chapel fort at Weymouth was taken by the parliament's forces from the king's.

Letters from sir William Brereton informed, that four regiments of Irish rebels were lately landed in Wales for the king's service.

Sir Marmaduke Langdale's party were met with by colonel Rosseter near Melton, where they had a sharp encounter and loss on both sides. Of Langdale's party were slain colonel Tuke, major Kertlington, captain Markham, and about one hundred others; of Rosseter's about fifty, but no officer; he lost one colour and took two.

Langdale got provisions into Newark, and was recruited to three thousand, and Rosseter followed him with two thousand.

4. The French agent sent a letter to the parliament of the desires of his master and the queen regent that the parliament would continue the treaty with the king. The house ordered a committee to draw up a fair and respective answer to the letter, but not to consent to any thing of renewing the treaty.

The speaker was authorized to give passes to delinquents to come into the parliament, and to compound at Goldsmiths'-hall for their delinquency.

Melcombe. The parliament's forces in Melcombe, Febr. 25, having regained Chapel-fort, of great prejudice to the king's forces, they resolved by a council of war to fall again upon the fort and upon the town of Melcombe at once in several places.

The same evening that they resolved to do it one of Melcombe's soldiers, who had been taken prisoner, escaped, and gave notice to the governor of this design, who got his men in readiness.

The king's men that night assaulted the line about Melcombe in five or six places, and the chapel, with great resolution; but were in every place repulsed, and lost about one hundred and fifty of their men. In which service captain Batten and his seamen did very bravely. The enemy retreated back to Weymouth; the Melcombe soldiers stood still upon their guards, expecting the return of the enemy, but they came not again.

But the next morning they all drew out of Weymouth in

haste, as in a panic fear, and marched away both horse and foot to Dorchester, leaving behind the ordnance they had before taken from the parliament in Weymouth, and two pieces more, with some arms, and took nothing with them but some plunder; and the parliament forces possessed all the forts, and lost but ten men.

At the same time a ship of the king's of twelve guns came into captain Batten.

Great numbers of clubmen in Worcestershire and Dorset- Clubmen.
shire got into a posture of defence, and refused to serve the king according to his proclamation.

The parliament's commissioners for the treaty at Uxbridge came to the common-hall in London, and acquainted the city City.
with the proceedings of that treaty, and of the averseness on the king's side to come to a closure of peace; so that now it was of necessity for their own defence to furnish out the army under sir Thomas Fairfax; for which end they desired from the city the loan of 80,000*l.*, to be repaid with interest.

Upon information that the mutinous horse inclined to Mutinous soldiers.
obedience, the parliament passed an order, that if they submitted by a day they should be pardoned and continued in service, otherwise to be proceeded against as traitors.

5. Orders touching money from the customs and excise.

The house approved of the train of artillery and their officers under general Fairfax, and passed all the colonels except two: and an ordinance for 2000*l.* for the officers, soldiers, and seamen of Weymouth and Melcombe, for their gallant service.

Order for a day of thanksgiving for the successes which God gave the parliament since the breach of the treaty; ordered to be kept in Christ-church, London, and the lord mayor and his brethren desired to be there also.

Sir William Waller, with colonel Cromwell's horse and colonel Fiennes's regiment, about five thousand horse and dragoons, marched into the west.

Provisions grew scarce in Oxford, Brown surprised a herd of cattle going thither, and brought them to Abington.

Crauford went from Aylesbury towards Cambridge to secure that association.

6. The assembly sent to the parliament a message touch- Assembly.
ing the title to the directory for worship, and the ordinance

for taking away the Common Prayer-book, and for settling an able ministry; and that no profane or ignorant persons might be admitted to the sacrament.

Orders touching delinquents' lands, and for sale of lands of such as did not compound, or refused to pay the fines set on them.

The commons desired the lords to hasten the passing of the list of officers of the army.

The king's forces.

The king had now Goring with a considerable party in the west, prince Maurice in Cheshire, Langdale in Yorkshire, prince Rupert and sir Jacob Ashley gone towards Shropshire, and the parliament yet no formed army.

The commons adjourned for three days, to treat in the mean time about raising moneys.

Letters from sir William Brereton informed, that prince Maurice sent about thirteen foot companies over the river Dee to force the passage at Holtbridge, which was maintained by two companies of firelocks under lieutenant-colonel

Jones.

Jones for the parliament; who beat back the prince's men over the river, where many of them were drowned, and slew of them sir Owen a colonel, one hundred officers and soldiers, took divers prisoners and arms, and five colours, and lost only six men and major Jackson.

Captain Abercromby and captain Innes, with a party of the parliament's from Aylesbury, surprised fifty of the king's horse near Oxford, quartered there for want of provisions in the town.

136 Letters from major-general Langherne and captain Thomas informed of their good success in Wales, and the house ordered 500*l.* for Langherne, as a token for his faithful service.

7. The house sat not, but their committees sat about providing of moneys.

Massey.

Letters from Massey confirmed his late success against sir John Winter; that of the enemies were slain, sir John's brother, colonel Gamme, colonel Van Garres, and another colonel, seventy more slain, sixty drowned, two lieutenant-colonels, and one hundred and twenty others taken prisoners.

Colonel Ogle, governor of Winchester for the king, sent

Waller.

out a party to beat up sir William Waller's quarters, who was prepared to receive them, and slew colonel Philips who com-

manded the party, and took lieutenant-colonel Gardner, and divers others prisoners.

8. Sir Marmaduke Langdale being on his march towards Pomfret, colonel Forbes drew from the siege to meet him: the lord Fairfax ordered them not to engage, but upon great advantage, till his additional forces came up to them.

But they did engage, and Langdale's horse were beaten back to the last reserve; in which encounter colonel Lambert and other commanders received some slight hurts, the parliament's foot there being deserted by others who did not their parts, and, galled by the garrison soldiers who sallied out of Pomfret, were forced to retreat with the loss of many arms, an iron piece of ordnance, two carriages, and some of their fellows.

The rest of their carriages they drew off over Ferrey-bridge, almost a mile from the fight; which pass was made good by colonel Morgan and his dragoons against Langdale's men. Morgan.

The same night when this fight was, a party of the Yorkshire forces fell upon a party of the king's at Houghton, and took one hundred horse and divers prisoners.

The lord Fairfax with the Yorkshire horse drew out their forces, but the fight was over before they came, and the rallied forces joined with them.

10. Some ministers of London petitioned both houses for an appendix to the directory of worship, to give power to ministers to deny the sacrament to ignorant and scandalous persons, which some interpreted, that they might have power to persecute their dissenting brethren; and that there might be elders in every parish to join with the ministers therein: and the lords passed an ordinance for that purpose, and sent it to the commons. Ministers.

The lords passed the list of officers of the army, and sent it to the commons, who appointed a committee to consider how to employ those who were not in the list in some other service, or to allow them maintenance.

Alderman Chambers's petition for recompense for his former sufferings, for opposing the prerogative, was taken into consideration, and divers orders passed for money.

Langdale retreated to Newark, colonel Rosseter and other

of the parliament's forces fell on his rear near Doncaster, and took divers prisoners.

Fourteen troops and two thousand of the Scots foot advanced southwards.

The king's forces in Shropshire quitted Routhsea-castle and Medley-house, and burnt Tongue-castle and other places.

The committee put out of Shrewsbury fifty families of malignants.

A ship of twenty-six guns, with arms and ammunition from France, came into Weymouth, supposing it to be the king's garrison.

News came of a mutiny in Oxford among the soldiers and scholars, and that prince Charles, the bishop of Armagh, Hopton, and three hundred horse were gone towards Bristol, and the king was to follow them.

11. Ordinances for money for Brereton, Shrewsbury, and Langherne.

Ordinance to make up the breaches in the fens in Lincolnshire.

Another, for sir Thomas Fairfax to choose officers out of the other armies.

Another, for money for the Scots.

Letters from sir William Waller and colonel Cromwell, certified the taking of the lord Piercy and thirty with him at Andover.

Clubmen. Divers clubmen were up in several counties, and four thousand of them armed in Dorsetshire, threatened to plunder all who did not join with them to extirpate the cavaliers: the governor of Wareham for the parliament sent some horse to join with them.

In Worcestershire, about two thousand of them were got together, and put out a declaration of their intentions against the popish party, and to preserve the king's rights and privilege of parliament.

12. Both houses of parliament and the lord mayor and aldermen kept this as a day of thanksgiving for the good successes of the parliament.

13. The lords sent to the commons to hasten the passing of the list for the new model.

A petition of seamen for relief, and satisfaction for prize-goods taken care of.

Langdale marched towards Shropshire, and was followed by Rosseter and Yorkshire horse.

The mutinous horse returned to their duty, and colonel Graves was sent to take the command of them, and to join with Crauford to assist Brereton.

The earl of Northampton's regiment of horse from Banbury surprised about eighty horse laden with cloth, with a convoy of about eighty men, of whom they killed some, took about twenty prisoners, and the rest fled away.

The Worcestershire clubmen increased; prince Rupert sought to pacify them, but in vain; the constables refused to bring in a list of their names that assembled. Clubmen.

14. Orders for horses, saddles, &c., for sir Tho. Fairfax's horse, and for recruiting his foot out of the lord-general Essex's regiment, and otherwise, and the recruits to have a fortnight's pay and clothes. Fairfax.

This brought in almost all Essex's foot to Fairfax, they being such creatures as will be carried any where for money.

Order for sir Thomas Fairfax to give commissions to his colonels, lieutenant-colonels, majors, captains, and other officers.

Letters to the committee in the army to keep the army together, and to assist for sir Tho. Fairfax's recruits.

Orders for providing the train-wagons, artillery, arms, powder, and a magazine for sir Tho. Fairfax, and for draught-horses and carriages out of several counties for him.

A thousand pounds ordered for general Brown.

The mutinous horse, returned to duty, were allowed a fortnight's pay, but none for the time they were in mutiny, and were now sent upon service.

Several committee-men added in divers counties, and orders for money and clothes for the Scots army in Ireland.

15. Ordinances passed for one per cent. for supply of Plymouth; and for money upon the custom of currants for Gloucester, and for recruiting the Kentish regiment at Plymouth. 137

The lords, at a conference, gave reasons why they left some officers out of the list of sir Thomas Fairfax's army, but they waved the nominating of others: they sent to the commons Army.

an ordinance for martial law, differing from the former, and to continue two months.

Waller and Cromwell beat up Goring's quarters, who fled to Exeter.

17. Captain Smith, of colonel Martin's regiment, for a slight offence murdered an honest Buckinghamshire man: the commons sent to inform the lord-general thereof, and ordered Smith to be sent for, and punished.

Letters from the committee of Nantwich informed that prince Rupert, Maurice, and Langdale were all joined in one great body; and that without a speedy relief, sir Will. Brereton's forces would be in great danger.

The house ordered a letter to be forthwith sent by the committee of both kingdoms for a party of the Scots horse and dragoons to advance towards sir Will. Brereton, and ordered supplies for his forces.

And they referred it to the members serving for Yorkshire and Lancashire to consider of some means for the supply of the forces in those counties.

Army. At a free conference the commons offered their reasons to the lords why they could not consent to the leaving out of the list those officers whom the lords had left out, because they were such as sir Tho. Fairfax nominated and the commons approved; and a delay in passing this list would be dangerous to sir Will. Brereton's forces, to the association, and to the whole kingdom.

French agent. The lords acquainted the commons with a paper from the French resident, desiring the transportation of gunpowder from Holland to France without interruption of the parliament's navy.

Answer. The commons ordered, for answer, that there being amity between the crown of England and the crown of France there needed no particular license for the same.

Sir James Long. Colonel sir James Long, high sheriff of Wilts for the king, returning from the convoy of prince Charles to Bristol, was set upon by a party of sir William Waller's at the Devizes, and forty of his men killed, the colonel, eight captains, seven cornets, and most of the other officers, with three hundred soldiers, taken prisoners, about three hundred and forty horse and store of arms taken, and but thirty of the whole regiment escaped.

Oxford was much straitened for provisions. Browne did them no small prejudice from Abington. Some of the soldiers and townsmen grew very mutinous, and the antiparliament there were about to question the lord Digby for an incendiary, but they were dissolved. Oxford.

18. 1000*l.* ordered for Abington.

Colonel Stephens's son, a member of the house, was taken prisoner at Royden-house in Wilts; ordered that sir James Long, taken at the Devizes, be exchanged for him.

An order for supply of the town of Henley upon Thames with match, one thousand bandeliers, &c.; and I was appointed governor of that town and of the fort of Phyllis-court, which I rather accepted, being my own house; and I had there in garrison about three hundred foot and a troop of horse.

The works of the fort were strong and regular, and the Thames brought round the fort in a large graft. All the horse and foot were quartered within the works, the great guns about it were good, and the soldiers stout men and well armed, and good officers.

The officers and soldiers of sir Thomas Fairfax's army had a fortnight's pay allowed them.

The lords concurred with the commons in passing the list of the officers of sir Tho. Fairfax's army without any alteration; which was so well taken by the commons, that they appointed a committee to prepare a message to be sent to the lords from them, to assure their lordships of the real affection and endeavours of the house of commons to support their lordships in their honours and privileges. Message to the lords.

The list of the officers was this: sir Thomas Fairfax commander-in-chief, major-general Skippon. List of the officers.

Colonels of horse: Middleton, Sidney, Graves, Sheffield, Vermuden, Whaley, sir M. Livesey, Fleetwood, Rosseter, sir Robert Pye.

Colonels of foot: Crauford, Barkley, Aldridge, Holborne, Fortescue, Inglesby, Mountague, Pickering, Welden, and Rainsborough.

A petition of the East-India company for transporting some things agreed unto.

The governor of Hurst-castle took two of the king's ships bound for France, forced by weather into the Isle of Wight; in them they had three hundred barrels of herrings, eleven

pieces of cloth, ten pieces of ordnance, forty prisoners, and a pack of hounds.

Swedes. News came that the Swedes in Germany gave a great defeat to the emperor's forces; eight thousand of them slain, the two generals, the whole army routed, many prisoners taken, all their colours, ordnance, carriages, and ammunition.

Letters from Holland mentioned some difference rising there between the prince of Orange and the States.

19. The care of the education of the king's children was committed to the earl of Northumberland and his countess, and they took into consideration the great losses of this noble earl for his affection to the public.

Care was also taken for an allowance for the earl of Mulgrave and the lord Sheffield, in lieu of their losses.

Mr. Ford was voted to be one of the assembly in the room of Mr. Bolles deceased.

Orders for expediting sir Thomas Fairfax into the field, and for money for the lord-general's old foot soldiers, and for moneys for sir William Brereton's forces, and for supplies for Ireland.

Lord Savile. The lord Savile left the Oxford party and came to London. He was stayed by the guards, and this day examined by a committee of the lords of the grounds of his coming in, and was committed to the custody of the black rod.

Colonel Holborne routed a party of Goring's horse near Crookehorne, and took about five hundred of them.

About four hundred of Banbury horse faced Northampton, and endeavoured to take a parliament captain out of his house near Northampton: but he, with his servants and about sixteen firelocks, kept the house and repelled the enemy; and a party of horse drawing forth of Northampton, the Banbury horse fled away with some loss.

138 Cromwell. Letters from colonel Cromwell informed, that since his coming to his regiment their carriage had been obedient, respective, and valiant, a good testimony whereof they gave in the late defeat of Long's regiment; that they were sorry for their former mutinous carriage, and desired him to send their Petition. most humble petition to both houses that they might again be received into their favour, and their former offence fully pardoned; and promised a valiant testimony of their future service: which was well accepted by the parliament.

A great debate about the trade of coals, and to take off the imposition upon it.

An ordinance for the officers in sir Tho. Fairfax's army constantly and personally to attend their charge, and not to be absent without leave.

Letters from major-general Brown informed, that he had Brown.
stopped the passage by water between Newbridge and Oxford, and sunk some great boats carrying provisions to Oxford, and taken divers parties of the king's forces near Oxford, and kept them in continual motion.

That a party from Oxford scouting abroad had intercepted divers country people going to Abington market; of which Brown having intelligence sent a party of horse against them, who slew the commander-in-chief, an Irishman, and eight more, took about forty prisoners and thirty horse, and returned home without any loss.

That among the prisoners taken was an Irishman, whom the major-general caused presently to be hanged, according to an ordinance of parliament.

A list of the officers there.

20. The captains of ships under the earl of Warwick were in a list presented to the house of commons, and consented to.

The captains for the merchants' ships were referred to be named by the merchants.

21. The commons in a grand committee considered about Assembly.
the persons that should be debarred from receiving the sacrament, and referred it to the assembly.

Resolutions touching the Scots army in Ireland and in the north, upon an account of them from the committee of both kingdoms.

Orders for expediting sir Tho. Fairfax, and for the assembly to nominate some ministers to go with the army.

Waller and Cromwell with a strong party followed Goring, who endeavoured to join with Greenville and Barkley governor of Exeter.

22. Order for a fortnight's pay for sir Thomas Hoogan's regiment, and divers fines for compositions confirmed: 1000*l.* thereof paid to wagoners who lost their teams, and 500*l.* to soldiers' widows.

The parliament pardoned Thomas Seppens, condemned by

the council of war to die. Provision made for Windsor garrison; and the committee of Oxon, Berks, and Bucks to treat with the militia of London about the constant maintenance of it.

The arrears of major-general Skippon ordered to be audited, and 500*l.* imprested to him.

Letters from sir Will. Brereton informed that he kept the field, and that the enemy had attempted nothing upon him, but plundered the country, and committed many hundred rapes and cruelties; that the Scots horse were advanced as far as Manchester towards him.

24. Order for 4000*l.* for Langherne.

Captain Batten came to the house, and had their thanks for his good service, and a gratuity given him.

Fairfax's commission.

An ordinance giving commission to sir Thomas Fairfax to execute martial jurisdiction, to fight with and slay all such as shall oppose him, and to suppress all forces not raised by authority of both houses of parliament, was read the first and second time; and ordered that some members of the house should presently withdraw, and make some alterations.

This was done, and reported back to the house before they rose, and then the ordinance read the third time the same morning, and consented unto, and sent to the lords: a course not formerly used, and of too much haste for a parliamentary way; but excused by their then exigencies, and the unusual matter for parliaments then before them.

Conference.

At a conference, sir John Evelyn junior declared the great sense the commons had of their lordships' concurrence with them in the great affairs now in parliament, on which the security of the whole kingdom did depend; and acknowledged their lordships' renowned actions and unwearied endeavours with them for the public good.

Declaration. Jealousies.

Then a declaration of the house of commons was read, That whereas some disaffected persons sought to foment jealousies, by raising a report that the house of commons had an intention to subvert the privileges of the peers, they declare they do so far detest any such design, that they will use all kind of means to find out the authors of such report, and to bring them to punishment.

Some imprudent speeches had been given out by some members of the house of commons and others, upon the

lords' rejecting the ordinance of self-denying, and not concurring in other matters with the commons; and as the earl of Essex's party was strongest in the lords' house, so the party of his enemies was most prevalent in the house of commons.

Some of them were not discreet in their extravagant speeches and discourses touching the house of lords, which was like to have kindled a sharp contention between the two houses, but by this message and declaration it was for some time appeased.

Waller, Holborne, and Cromwell were joined in the west; and prince Charles, Goring, Hopton, and Barkley were got together, and Greenville expected to be with them.

Sir John Meldrum going up a rock to view a place to plant his cannon against Scarborough, was blown down by a violent wind, and bruised. Meldrum.

The Newarkers came to assault Grantham, but were repulsed, and about twenty of them slain, and divers prisoners taken.

25. The commons in a grand committee debated the question of admitting and keeping from the sacrament ignorant and scandalous persons, and passed some votes in it.

Order for 1500*l.* for sir Tho. Fairfax.

Sir John Henderson was taken by the Aylesbury forces and brought to the parliament, with letters taken about him from our king to the king of Denmark, in recommendation of Henderson. Sir John Henderson.

The parliament committed him to the Tower, and ordered letters to be written to the king of Denmark, setting forth the condition of Henderson, and how much he was an enemy to the parliament.

The clubmen in Worcestershire, being near fourteen thousand, and some of them well armed, sent to colonel Massey for assistance to besiege Hereford: he sent back to them, that if they would fully declare for the parliament, that he would join with them; for which they took two or three days' respite. Clubmen. 139

Captain Tomlinson from Abington defeated a small party from Wallingford.

26. The day of the monthly fast solemnly kept. An. 1645.

27. The assembly came with a further advice to the house 21 Car. Assembly.

of commons, touching the not admitting ignorant persons to the sacrament.

The Scots forces being joined with sir William Brereton, the prince's forces retreated, and would not engage. Prince Rupert marched towards Worcester, prince Maurice to Ludlow, and Langdale northwards.

Order for a strong party of dragoons and supplies to Abington, the enemy being expected at Oxford, and for moneys for Reading garrison.

Divers volunteers coming in to sir Tho. Fairfax, 7000*l.* was ordered to such as he should give warrant for it, for advance money for volunteers.

Waller with two thousand five hundred horse and dragoons faced Bristol and Bath, but returned without doing any thing.

Cromwell. Cromwell marched to Cerne in Dorsetshire, where colonel Holborn and colonel Popham joined with him; the enemy came within three miles of them undiscovered; Cromwell drew into the champion there, intending to fight them, though a greater number than he was; but they drew off, and colonel Norton's and colonel Cook's regiments and others came in to join with Cromwell.

28. A month's pay ordered for colonel Pickering's and colonel Ayloffe's regiments.

Swedish agent. The queen of Swedeland's agent had desire to impart somewhat to the parliament in secret; who thereupon referred it to be imparted to the committee of both kingdoms; who heard the agent; who offered a strict alliance between Swedeland and England; and against the Dutch; and to assist the parliament.

Answer. The committee prepared a respectful answer to the queen's agent and his proposals, to which the parliament assented, but it was general.

A day appointed for the committee to bring the declaration touching the proceedings in the treaty at Uxbridge; and the commissioners for the treaty were of this committee.

A difference between colonel Jones the governor of Farnham and the committee of Surrey referred to the members of the house of that county, and to treat with Jones about giving up his command.

A clerk of the cheque ordered for the moneys of the army.

Sir Humphrey Forster to pay 1000*l.* fine for his delinquency.

29. Another order for the money for Abington.

An ordinance passed for reimbursing the 80,000*l.* lent by the city.

Debate about admission to the sacrament.

Officers. Sir Thomas Fairfax presented to the house the names of twenty general officers, as muster-master general, scout-master general, and others, and they were all approved.

Colonel Mitton was brought to the house, and had thanks for his good services.

An intercepted letter of prince Rupert's secretary expressed much joy for the execution of ten Englishmen by sentence of prince Rupert, because they had formerly served the king in Ireland and afterwards revolted to the parliament: a declaration was ordered to be drawn concerning this business.

Waller. Waller came undiscovered to the Devizes till he faced the town, who sent out a party of horse and dragoons to skirmish with him; whom Waller's men beat back, and pursued into the town, took of them a hundred and ninety horse, sixty foot, and four hundred arms.

31. Upon the certificate of the commissioners for the treaty at Uxbridge, 300*l.* was ordered for sir Peter Killegrew.

Reference to the committee of excise touching the imposition upon the mercers and broad weavers.

An exchange ordered for colonel Stephens and Jones for the earl of Cleveland.

Mutiny. About three hundred of the lord-general's foot lately quartered at Farnham mutinied for a fortnight's pay, and with some of their inferior officers came to Twyford, and so to Colebrooke, and so towards London, plundering in all places as they passed. It was referred to the committee of both kingdoms to send out a strength to reduce them.

Ordinance for money for the defence of Essex, and that for calling in the members of both houses from all military and civil offices, passed the house of commons.

Both houses sat till nine o'clock at night in debate of the ordinance for sir Thomas Fairfax, but agreed it not.

Lord Savile. The lord Savile, in regard he hath not given any satisfaction to the parliament for his coming from Oxford hither,

but rather many grounds of suspicion that he came to do ill offices, was ordered speedily to depart the city and all other the parliament's quarters and garrisons, and to betake himself to the king, or whither he pleaseth, within one week; after which time, if he stay within the line of communication, or the parliament's quarters, he is to be taken and proceeded against, as one adhering to the enemy.

Some of Gerard's forces fired the house of one who refused to pay a tax assessed on him by Gerard; the house being on fire, the master of it and his two sons leaped through a window from the rage of the fire; but Gerard's men took them and murdered them; and the man's wife and his other children were burnt in the fire. These were by letters informed to be the actions of Gerard's men; and by this may be seen the nature of many other of the like great miseries under which our poor country laboured at this time, and what inhumanities were committed by the insolent soldiers, especially upon the unarmed country people.

April 1645. 1. Letters from major-general Browne for supplies of cannon and other accommodations were especially referred to the committee of both the kingdoms.

After a free conference, the lords consented to the ordinance for sir Thomas Fairfax's commission.

Ordered, that those officers who are not now employed under sir Thomas Fairfax, upon a certificate from major-general Skippon of their good carriage, shall have their arrears audited and allowed.

Assembly. Debate about not admitting some persons to the sacrament; and ordered, that the assembly set down in particular what measure of understanding persons ought to have of the Trinity, and other points debated, before they be admitted to the sacrament.

Scotland. Letters from Scotland informed that major-general Urrey fell upon the lord Montrose's forces at Aberdeen, took eighty horse, and killed about fifty, the lord of Arles, and two other lords slain, and Montrose's son afterwards died.

Urrey having intelligence of their meeting to bury Montrose's son, intended then to fall upon them, but being discovered, Montrose left the burial, but Urrey fell upon his quarters, killed thirty of his men, and beat him into the town, and brought away divers prisoners.

That the lord Leymouth, the chancellor's brother, fell upon the rear of Montrose's quarters, took the carriages, bag and baggage, slew fifty, and took fifty prisoners, Highlanders, that guarded the carriages, whom he brought to Invernesse, and there hanged all of them: that fifteen hundred whom Montrose pressed were run away from him.

2. The earl of Essex and the earls of Manchester and Denbigh, in the house of peers, offered to lay down their commissions; and at a conference a paper presented by the earl of Essex to the lords was read, to this effect: Gen. Essex &c. lay down their commissions.

That he having been employed for almost three years past as general of all the parliament's forces, which charge he had endeavoured to perform with all fidelity and sedulity; yet considering, by the ordinance lately brought up to the house of peers, that it would be advantageous to the public,

He desired to lay down his commission, and freely to render it into the hands of those from whom he received it; and desired that such of his officers who had done faithful service, and were now left out, might have their arrears, and some others received into favour.

This giving up of their commissions at this time was declared by both houses to be an acceptable service, and a testimony of the fidelity and care these three lords had of the public: and the commons appointed a committee to consider of gratifying the lord-general and the earls of Manchester and Denbigh for their faithful services, and hazarding their lives and fortunes for the public.

Some of Essex's friends were against his laying down of his commission, but others told him that mischiefs and contests might arise if he kept it, whereof himself was sensible; and as he had great stoutness of spirit, so he had great goodness of nature, and love to the public, which persuaded him to lay down his commission.

And here ended the first scene of our tragic civil wars, in the exit of this brave person Essex; who being set aside, and many gallant men, his officers, with him, the king's party looked upon the new army and new officers with much contempt, and the new model was by them in scorn called the *new noddle*. New model.

An ordinance ordered to be drawn to discharge from ward-

ships such heirs whose ancestors died in the parliament's service.

Ordered, that the former officers of the army, who are not now employed, shall have their arrears audited and signed, and moneys allowed for their present maintenance.

The wants of members of the house referred to be considered.

York. A letter from captain Legge, that the mayor, aldermen, and others of York may have the benefit of the propositions upon the surrender of York, to which the lord-general was desired to write an answer.

Tuitnam. The custom of the parish of Tuitnam (being, that on Easter-day two great cakes should be broken in the church, and given to the young people) was ordered to be forborne, and instead thereof bread to be given to the poor.

3000*l.* for major-general Langherne again ordered to be paid.

Debate again about the persons to be admitted to the sacrament.

500*l.* ordered for the assembly, of whom many had their livings sequestered by the king.

Clubmen. The governor of Hereford promised the clubmen redress of their grievances, and they went home shortly after; the governor having additional forces sent out and plundered, and killed divers of those countrymen.

York. 3. Upon a petition of the mayor and common council of York, an ordinance was brought in for augmentation of the ministers' means in Yorkshire, and the northern counties, out of the bishoprics of York, Durham, and the deans' and chapters' lands there.

A declaration reciting prince Rupert's putting to death many prisoners taken from the parliament's forces, because they had served before in Ireland, that if the like were done hereafter, so many of his men taken prisoners by the parliament should answer the lives of the other.

The committee of accounts presented some accounts to the house, and informed that their sub-committees in Rutlandshire and other counties were discouraged by the county committees, which was referred to be examined, and the committee of accounts had thanks given them.

An ordinance passed for 1000*l.* for sir John Meldrum, and for other moneys.

Sir Thomas Fairfax went to Windsor, where he appointed the general rendezvous of his army, and caused proclamation to be made in London that all his officers and soldiers should repair thither. Fairfax.

The ordinance passed both houses for discharge of their members from all offices, military and civil.

Waller's party was eight thousand, and Goring fell upon his quarters, who forced him to retreat, and pursued him.

4. Mr. Gerard readmitted into the house of commons.

Huntingdonshire petitioned for a new election of a knight of the shire in the place of sir Sidney Mountague; and a day was appointed for this and all other of the like nature.

Order about buying horses for the army, whereby the state was cozened.

2000*l.* for the mutinous horse that returned to obedience.

The Scots commissioners desired to write into Scotland for the speedy advance of the Scots army southwards.

Orders for money, mortar-pieces, and fireworks for Abington, and for money for the Lancashire forces.

5. A pass from both houses for two sons of the lord Grey of Warke to travel beyond seas.

The pay of 12*d.* per diem more than ordinary allowed to one hundred troopers under captain Knight, who offered to find themselves horses and arms, and to serve under sir Thomas Fairfax.

Order for captain Cannon to deliver the States' arms in his custody; and if he refuse, the committee may imprison him.

Ordinance to put Hampshire into a posture of defence.

A party under major Smithson fell on the king's forces at Ridmore in Yorkshire, killed four, and took captain Bainbrigge and forty-seven prisoners. 141

7. Letters from sir Thomas Fairfax gave an account of his army drawn together at Windsor, and desires that colonel Fleetwood's regiment in Lincolnshire may be ordered to come to him, and care taken of those parts: this was referred to the committee of both kingdoms: a letter of thanks and encouragement was returned to sir Thomas Fairfax. Fairfax.

At Reading, five regiments of the earl of Essex's army and

five companies of the lord Roberts were drawn out into the
Skippon. field, and major-general Skippon, in the head of each regiment, told them, that it was the pleasure of the parliament, for the good of the kingdom, to have all their armies reduced into one, and that all ought to submit thereunto.

That such officers who were left out should have a fortnight's pay in hand, and security for all their arrears, and the parliament acknowledged their good service done, and would be ready to shew them favour hereafter, but at present had no occasion to employ them as formerly.

That such as were now taken on the service under that gallant person sir Thomas Fairfax should be taken care of, for all accommodations, and that he (as he had done) would still adventure his life with them to the last drop of his blood.

All gave general acclamations that they would live and die with Fairfax and Skippon, and serve the parliament; and they were listed into several regiments.

Many expected a great mutiny upon this regulation of the old army, but it came off better than was expected; and much therein was attributed to the prudence and gallantry of the major-general, to whom the commons sent a letter of thanks for this and his other good services.

Order for exchange of sir John Harcourt, a member of the house, for the lord Brereton a prisoner of war.

2000*l.* ordinance for the discontented horse-soldiers that returned to obedience passed.

Another for associating the four northern counties with Yorkshire.

Debate touching some officers of the chancery, and of the king's revenue.

Captain Blundel with a party from Abington seized six butts of good Canary carrying to Oxford, and brought them
Abington. to Abington.

After that, within half a mile from Oxford, he took several horseloads of linen cloth, and a cart loaden with sugar and spicery-ware going to Oxford, and brought them all to Abington.

A great affection was between the horse and foot of that garrison, that they would run out to assist one another.

The prices of victuals grew so dear at Oxford, that the king intended to go from thence.

Colonel Washburn, with a party from Abington, beat up the quarters of the king's forces at Thrup near Farrington, killed one Neast, a lieutenant of horse, who formerly kept a dicing-house, and three or four more, and brought away nineteen good horse.

Major Sheffield fell upon the enemy's quarters on the edge of Northamptonshire, took sir Tho. Read, lieutenant Denton, and divers horse and prisoners, and intercepted with Read two letters of importance.

8. Orders concerning the army, and drawing together forces for sir Thomas Fairfax, and for supplies, and some high sheriffs named.

A committee of both houses named, to consider of selecting officers to supply the commands of members of both houses.

Bishop of Durham.

Morton, bishop of Durham, a reverend man, was brought before the commons for christening of a child in the old way, and signing it with the sign of the cross, contrary to the directory; and because he refused to deliver up the seal of the county palatine of Durham he was committed to the Tower.

Sergeant-major Hudderston under Greenville came to London with thirty horse, and submitted to the parliament, offering to take the covenant.

Three of Waller's troops were surprised in their quarters by Goring's forces, and about fifty of them taken, the rest escaped.

Letters from Scotland informed that lieutenant-general Bayly and major-general Urrey took eight hundred horse-load of provisions going to Montrose, the men, horse, bag and baggage; and dividing themselves pursued Montrose into the Highlands.

9. Colonel Rainsborough's regiment appointed for colonel Grey.

Referred to the committee to consider of the profits of places lately enjoyed by members of parliament, and what of them may be spared for ease of the public charge.

Letters from Massey informed, that the discontented Herefordshire men having laid down their arms upon articles with the princes, afterwards, and contrary to those articles, the princes caused three worthy gentlemen to be executed, who were conceived chief in that rising.

That there the princes levy men and money by violence; and he saith, that if one thousand horse may be sent to him, he doubts not but most of the discontented party will come in to him, many being already come: this was in a special manner referred to the committee of both kingdoms.

Dutch ambassadors. The master of the ceremonies ordered to acquaint the States' ambassadors, that to-morrow, if they pleased, they might have audience of both houses, and coaches were to be provided for their reception.

Earl Warwick lays down his commission. The earl of Warwick laid down his commission of lord-admiral in compliance with the ordinance for discharging the members of both houses from all employments military and civil, but with a protestation of continuing his faithfulness, and endeavours to serve the public as long as he lived: and some believed that the precedents of the earls of Essex, Manchester, and Denbigh were inducements to him to do the like. He did gallant service in the time of his command for the parliament, and deserves an honourable mention.

10. Care taken for employment of old officers left out of the new army, and of the condition of the west, and of settling the excise, and for the forces of Poole and Dorsetshire.

11. Orders for the army for the regiment of Kent under colonel Welden to go to sir Thomas Fairfax, and for officers to repair to their charges by a day or to be cashiered, and sir Thomas Fairfax to choose new ones: this proclaimed by beat of drum and sound of trumpet.

Dutch ambassadors. The States' ambassadors had audience in both houses with solemnity, and they spake of the affection of their masters to this kingdom, and their desires to have mediated peace, and
142 composed the distractions thereof, but that it took no effect, and the distractions were now wider than when they came first hither.

Therefore, there being nothing more for them to do, their masters had sent for them home, and they had taken their leave of the king, and were now come to do the same of the parliament.

Sir William Brereton began to mine at Hawarden-castle, and took in Goozanna-house, and in it a captain and twenty-seven prisoners and some officers; and from thence blocked up Chester on the Welch side, gained Manly-house, killed divers, and took a captain and many prisoners.

12. Care taken touching the customs, and for the officers' oaths, and for the affairs of the admiralty.

Letters from sir Thomas Fairfax gave an account of the state of his army and the cheerfulness of his soldiers, and his want of pay for them.

This was very early for them to want pay, and the house were very sensible of the inconveniences which might thereupon ensue, and therefore specially referred it to the committee of the army to take order therein.

Pay ordered for the British forces in Ireland, and an ordinance to be brought in for satisfaction of their arrears out of the rebels' estates, next after satisfaction to the adventurers.

Care for pay for Brereton's forces by borrowing upon the excise.

14. Ordinance committed for associating the northern counties.

Ordinances passed for reimbursing the moneys raised for Browne and for Langherne; another considered for pay of the Lincolnshire forces.

Order that the Scots brigade lately come from sir William Brereton be sent to by the Scots commissioners to return to his assistance again, the enemy drawing towards him, and the committee of both kingdoms to take care thereof; and for provisions and money for him, the house took order.

Langdale relieved sir John Winter's house besieged by Massey, and was hurt in the arm: Massey brought off his men with little loss.

Care for employment of the officers of the earl of Manchester and of sir William Waller not employed in the new army.

Order for goods concealed from the excise to be forfeited.

About three hundred discontented persons got together into a body in Kent, and took sir Percival Hart's house; but colonel Blunt being sent against them with five hundred foot and two troops of horse, dispersed them, and took divers of the chief of them, and regained the house.

15. Debate touching persons not to be admitted to the sacrament.

Both houses agreed upon a committee of six lords; viz. Essex, Warwick, Northumberland, Pembroke, Say, North, Commissioners of the admiralty.

and twelve commoners; viz. sir William Earle, sir Philip Stapleton, sir John Levelyn junior, sir Christopher Wray, Mr. Rolle, Greene, Hollis, Selden, Rouse, Eden, Lisle, and Whitelocke, to manage the admiralty business.

An insurrection in Westmorland, and a design to have surprised a magazine of the parliament's there, was suppressed.

The plague increased in Newcastle, and the inhabitants were discontented at the imposition upon coals.

Pomfret. Some of Pomfret garrison sallied out, but were beaten back with the loss of colonel Tindall, lieutenant-colonel Middleton, and other officers, and many soldiers.

Carlisle was upon treaty to render: a Dunkirk ship loaden with arms and ammunition for the king taken by the besiegers of Scarborough.

A party from Abington under captain Blundell met with some of Dennington forces, took a colonel and a major, and divers others, and slew a captain and others of them.

Browne. Browne himself between Shottover and Oxford took divers carriages and about sixty horse, gave them an alarm at Oxford, and killed a sentinel at the gate.

Scotland. Letters from Scotland informed, that Montrose coming before Dundee the townsmen valiantly defended the same, till major-general Urrey came up to their relief, who fell upon the rear of Montrose retreating, and did great execution upon them.

That the Highlanders cast away their plaids and arms, so did the Irish, being about seven hundred, and left all their baggage, ammunition, and fieldpieces behind them: that there were killed of them at the town and in their flight about five hundred, and the town lost but eighteen men.

Many of them were taken prisoners, divers killed by the country people, and of another party of them major-general Urrey slew eighty, and put the rest to flight. Some of the Irish that were slain were much lamented by their fellows, and a great cry at their falling.

Thanksgiving. The lords and commons ordered a day of public thanksgiving for this victory of the Scots against Montrose, wherewith their commissioners here were pleased.

16. An ordinance passed, and sent to the lords, for preaching ministers to be settled in some dark places in the north.

The lords agreed to the ordinances for Abington and Langherne, and for martial law.

The house of sir Nicholas Crispe in Bread-street ordered to be sold, and the money paid to officers not employed in the new model.

Upon letters from the lord Fairfax both houses made his son sir Thomas Fairfax governor of Hull.

An ordinance passed and sent up to the lords, giving power to the committee of both kingdoms to give commissions to governors of forts and towns, and to captains and other officers, which should be approved by both houses; but those not to supersede other commissions.

17. A fortnight's pay ordered to the troops of Norfolk and Suffolk come into the army, and the differences between the governor and the committee of Nottingham referred to a committee.

A petition agreed to for a lord to have 1200*l.* per annum for his subsistence; this (as I remember) was the lord Howard of Escrigge.

Debate about the doctrine of the church.

The earls of Leicester, Bedford, and Clare, and the lords Paget, Rich, and Conway, who deserted Oxford and came into the parliament, took the covenant before the commissioners of the great seal. Covenant.

18. The committee of accounts informed the house of their proceedings, and of the refractoriness of some persons in refusing to take an oath tendered by them; for which they fined one gentleman 100*l.*, and prayed it might be levied: the house referred it to a committee to hear them and the refractory persons, and report to the house.

An ordinance committed for reimbursing Mr. Pennoyer and Mr. Hill, merchants, for provisions sent by them for the protestants in Ireland.

A petition from the governor and garrison of Crowland 143 for their arrears.

Three thousand pounds per annum ordered to the earl of Northumberland, for the allowance for the king's children, and referred to a committee to consider what servants are fit to attend them, and who to be removed. King's children.

A party of colonel Norton's regiment being upon fortifying of Rumsey, the colonel sent major Stewart to face Win- Colonel Norton.

chester, and keep the enemy in play whilst they were fortifying; which he did, and skirmished with them, and retreated with the loss of four or five men on both parts; but being pursued by those of Winchester, he was seconded by another party from Rumsey, and they killed lieutenant Coward, and about seven more, took captain Heath, five other officers, and thirty prisoners.

19. Alderman Pennington (as all other members of both houses) being by the late ordinance to leave his employment of lieutenant of the Tower, the house ordered, that the lord mayor and common council of London should choose a fit person to be lieutenant of the Tower, and present him to the house.

Order for sir Thomas Fairfax to send up captain Bushel to answer a complaint against him.

The list of sir Thomas Fairfax's whole army; the numbers and payments ascertained, reported, and approved by the house; and ordered, that reports of the committee of the army should precede any other motion.

An ordinance passed, and sent up to the lords, to give power to some gentlemen of Kent to act as a council of war, for trial and punishment of the late rebels there.

Ordinance committed for punishing soldiers that come from their colours.

Blasphemies. A committee made to examine the blasphemies of James Strettam.

Notice from Flanders of a ship of arms to be carried by captain Allen to the earl of Antrim.

Greenville. Greenville besieged colonel Popham's house at Wellington, near Taunton, and giving directions to his cannoniers to mount some pieces to make a battery, by a volley of shot from the house one of the cannoniers was killed, and Greenville shot.

21. Debate touching non-admission to the sacrament.

Upon a petition and propositions of the lifeguard of the earl of Essex not now employed, the house referred it to the committee of the army, and they to estimate the charge, and how moneys may be raised, and those officers employed to their satisfaction.

A fortnight's pay ordered for the forces of Cromwell, Haslerigge, and Fleetwood.

Lieutenant-general Bayley and major-general Urrey pursued Montrose, whose men deserted him. Eight hundred Scots joined in the blocking up of Pomfret.

A party of sir William Waller's fell upon a party of Goring's, killed two captains and others, and took some prisoners.

Colonel Hutchinson, governor of Nottingham, a member of the house, informed them, that a party of horse from Newark had stormed a fort upon Trent-bridge, near his garrison, and became masters of it, and put about forty to the sword.

It was referred to the committee of both kingdoms to compose the differences between the governor and the committee, and to take care for the safety of the place.

22. Care taken for the forces of Derby, for money for them.

The lords concurred to the list and establishment of sir Thomas Fairfax his army, and to the ordinance for the Kentish gentlemen to execute martial law.

A fortnight's pay ordered for colonel Rosseter's regiment.

Care for sending ministers to the northern countries.

The earls of Holland, Thanet, Monmouth, Westmorland, and the lord Savile, took the oath appointed by the parliament for such as come in to them, before the commissioners of the great seal.

Lieutenant-general Cromwell went with a party of horse to Caversham-bridge, and thence to Wheatly-bridge, to prevent the king's march from Oxford, or to engage his forces.

Warwick horse, and some from Newport, in all about one hundred and sixty, fell upon a party of about three hundred of Worcester horse who had much plundered the country, and routed them, and killed about ten, wounded many, and took sixty prisoners, one hundred and twenty horse and arms, one colour, and rescued all the plunder.

Sir William Brereton made a bridge over the river Dee, to supply his forces on both sides of Chester.

23. Reference to the former committee, that those Scots officers who had formerly served the parliament, and now were left out of the new model, should be equally provided for as the English officers.

Order for coat and conduct money for those that were pressed for soldiers.

Debate of non-admission to the sacrament.

Letters from general Leven certified that he had sent part of his army to assist sir William Brereton, and would be ready to march southwards.

A letter from prince Rupert to the earl of Essex, in answer to his letter touching the hanging up of the parliament's prisoners, full of haughtiness, and that he would follow his own judgment without the earl of Essex's advice. Upon which the commons ordered a declaration to be drawn.

24. Debate in a grand committee touching non-admission to the sacrament.

An ordinance passed for pressing of soldiers, and that all repair to their colours, and none to depart from their colours without license, and search for them that depart, and to be punished.

Letters from Abington certify, that Cromwell and others coming within a mile of Oxford hindered the king's remove towards Worcester.

Colonel West nominated by the common council to be lieutenant of the Tower.

25. Letters from Skippon informed that the discontented horse came in, and were reduced, and promised faithful service.

Ordinance committed for supply of the wants of members of parliament, whose estates were in the power of the enemy.

Ordered, that those late of the lifeguard of the earl of Essex shall have 3*s*. a day above the allowance of a common trooper, and have horse and arms from the state; and sir Thomas Fairfax to appoint their rendezvous: this is to be one of the six troops to attend the body of sir Thomas Fairfax.

Ordinance for reimbursing moneys raised for sir William Brereton sent to the lords, and for other moneys for Lancashire forces.

144 Ordinance passed both houses, that none be admitted to preach but such as are ordained by this or some other reformed church, except persons permitted.

Colonel John Fiennes sent out a party near Newbury, who took of the enemy seventeen prisoners and arms, and all their horse; then they summoned Brocas-house, which the enemy quitted, and fled, and major Temple pursued, and did execution on them.

London. 26. The mayor, aldermen, and common council came into

the house, thanked them for the favour in admitting them to make choice of a lieutenant of the Tower, and presented colonel West for that service; and desised care might be had of Gloucester, and for bringing in the arrears of London.

Colonel West was admitted lieutenant of the Tower, till further order of the houses: and an ordinance to be brought in for raising a considerable force in Gloucestershire, and for money to pay them.

Ordinance passed for reimbursing moneys for the life-guard.

Letters from lieutenant-general Cromwell informed, that he had fallen upon a party of the king's horse under the earl of Northampton, and part of the queen's regiment near Oxford, and took of them four hundred horse, two hundred prisoners, whereof many officers and gentlemen of quality, and the queen's own colours; the rest fled to Blechington, where colonel Windebank kept a garrison for the king. Cromwell.

Lieutenant-general Cromwell pursued them thither, and after some treaty took the house also upon articles, and therein store of arms and ammunition, and seventy-two horse more.

28. After long debate, the commons resolved that the business of the admiralty should be managed by commissioners of both houses, consisting of three, and those were the earl of Warwick, Mr. Bense, and Mr. Pelham of the commons' house. Admiralty.

A thousand men of the king's lost before Taunton; and colonel Popham's house at Wellington being taken, and the siege of Taunton continuing very close, it was ordered, that sir Thomas Fairfax and Skippon should advance into the west with the forces for relief of Taunton, eight thousand horse and foot, and care taken for money and provisions for them. Taunton.

Order for the train of artillery to be sent down to him.

A quarrel in Westminster-hall, between sir William Andrews and colonel Tyrell, informed to the house, and that Tyrell behaved himself discreetly in it: he was called into the house, and had their thanks for his carriage therein. Sir William Andrews ordered to be taken into safe custody; and when the house were not sitting, Mr. Speaker was authorized to send his warrants to prevent quarrels.

Letters from the north informed that the Scots were upon their march southwards with nine thousand foot and three regiments of horse.

29. Debate touching providing of arms and ammunition, and 12,000*l.* allowed for it.

Sir Theodore Meyherne's order to be discharged of taxes was vacated.

The power of martial law ordered to be given to persons in every county for suppressing and punishing of insurrections.

Debauchery of some officers of the army occasioned an order to sir Thomas Fairfax that the discipline of war be duly executed.

Lambeth parsonage conferred on Mr. White, one of the assembly.

Two thousand pounds ordered for Taunton.

Proclamation for all officers and soldiers to repair to their colours, upon pain of cashiering for the officers, and death for the common soldiers.

Brown. Major-general Brown, with a party from Abington, fell upon a party of the king's near Faringtón; took a captain, and other officers and soldiers. Then upon intelligence met with another party, and took colonel Conquest, major Bamfield, three captains, three lieutenants, and other prisoners.

Colonel Fiennes fell upon a party of the king's near Whitney, and took from them one hundred and twenty horse, three colours, forty prisoners, and fifty arms.

Cromwell. Lieutenant-general Cromwell at Bampton-Bush fell upon another party of the king's, surprised them all, and took colonel sir H. Vaughan, two lieutenant-colonels, M. Lee, five captains, eight lieutenants, eight ensigns, Dr. Dunse, twenty sergeants, two hundred and thirty prisoners and arms.

May 1645. Massey. 1. Letters from colonel Massey certified, that prince Rupert, with a party of about six thousand horse and foot, intercepting his scouts, charged upon Massey into Ledbury, who received him, and beat his men back to a retreat; his horse made several charges till his foot got off; forty of the prince's men were slain, many of them officers, and the lieutenant Hastings one.

That Massey lost about seven men; and some of the horse from the countries not standing well to it, the enemy got in among the foot, and took divers prisoners; whereof they sent

a list to Massey of one hundred and ten, but eighty of them were none of his men, but country people.

M. Bacchus was wounded and taken prisoner; major Harley wounded, captain Bayly and captain Forster taken prisoners by the prince's forces: that Lydney-house was fired, and sir John Winter left there eight picces of ordnance.

An ordinance ordered to be brought in for settling 1000*l.* per annum upon colonel Massey for his gallant services for his life, and 200*l.* in present, and a letter of thanks was sent to him.

The resident of the States had a day appointed for his audience.

Debate touching non-admission to the sacrament.

2. The States' ambassador had audience in the usual solemn way; and he made demands for restitution of some ships taken from the Hollanders by the parliament's ships of war, &c., which was referred to the committee for foreign affairs. Dutch ambassador.

Order about constituting of a consul in Flanders for the affairs of this kingdom.

Sheriffs sent for, who had not undertaken their offices.

1000*l.* allowed to sir Thomas Fairfax for intelligence, and 500*l.* extraordinary for his artillery, and allowances for wagoners, and for the commissioners in his army. Fairfax.

Order for auditing the arrears of some Scots officers left out of the new model, and some present supply for their subsistence.

Ordinance sent up to the lords for the commissioners of the navy.

3. Debate of the business of the church.

The commons would not concur with the lords in releasing sir John Henderson out of prison, but ordered a letter to be written to the king of Denmark to acquaint him with the cause of his detention in prison.

Order for leave for a member to go into the country.

Ordinance sent to the lords for the pay of the Derbyshire forces. 145

Order for money for Mr. Frost, secretary to the committee of both kingdoms.

Ordinance sent to the lords to prohibit importation of any whale-oil but what is fished for in Greenland by Englishmen.

Sir Thomas Fairfax advanced from Reading to Salisbury, and left with lieutenant-general Cromwell four thousand horse and foot to straiten Oxford.

5. Debate about admission to the sacrament.

Care for money for wagoners and for soldiers' widows.

Information being given that prince Rupert and Goring with seven thousand horse and foot were come to Burford, and prince Maurice with two thousand more to join with them, to get the king and his artillery out of Oxford, where provisions grew scarce, and that divers of the king's forces were withdrawn from Taunton;

The parliament ordered that sir Thomas Fairfax should send colonel Graves, or some other, with three thousand foot and fifteen hundred horse, to relieve Taunton, and himself and Skippon to return with the rest of his forces to join with Cromwell and Browne, to attend the motions of the king.

Care taken of Cambridgeshire and the eastern association, in case the king's forces should break in there.

Sir John Meldrum's men attempted to storm Scarborough, but were repulsed with the loss of twenty men.

The lords concurred to the ordinance concerning whale-oil.

Some of the Leicester and Nottingham forces marching to regain Trent-bridge, the king's forces in it fled away at night, carrying with them what they could, and set fire on the rest.

Prince elector.

6. The commons ordered an allowance of 8000*l.* per annum for the prince elector, 2000*l.* per annum of it out of the king's revenue, and the rest out of the estates of the lord Cottington and sir Nicholas Crispe.

Assembly.

A preamble to the proceedings in the church affairs, to be sent into Scotland, was presented by the assembly to the commons, and assented unto; and ordered that all the proceedings of the parliament and assembly in the business of the church should be drawn up, and sent into Scotland.

The earl of Carlisle took the oath appointed for those that come out of the king's quarters.

7. One of the king's captains came to the committee of Cambridgeshire, and took an oath, and protested to live and die with them; then he conspired to betray the Isle of Ely to the king, but it was discovered and prevented. The house

took care for security of that place, and for forces to be sent thither, in case the king's forces should break into that association.

A declaration of the transactions with the States' ambassadors voted.

Commissary Copely being under confinement, upon an accusation against him when he was an officer to the earl of Essex, was upon his petition bailed.

The house ordered the declaration touching the treaty at Uxbridge to be expedited.

They desired the assembly of divines to expedite the rest of the business of the church.

8. The declaration of the transactions with the States' ambassador passed, and sent to the lords.

Order that the company of merchants adventurers do send the covenant to all of their company at home and abroad, and return the names of such as shall refuse to take it. Covenant.

The lord mayor and aldermen desired to call a common-council, that the necessities of the army, for want of the assessment, may be communicated to them, and to desire the moneys may be imbursed speedily. London.

At a conference the lords gave their reasons against passing the ordinance for the admiralty.

Propositions from the Scots, now upon their march southwards, were referred to a committee, and were for securing the northern parts in their absence, and for money and provisions.

Power given to sir Thomas Fairfax to receive all trumpeters and other messengers from the enemy, for exchange of prisoners or other matters touching his army, and to discharge them upon all addresses, and to acquaint the houses with all their messages.

9. An ordinance against such who are called *spirits*, and use to steal away and take up children, and bereave their parents of them, and convey them away: and they ordered another ordinance to be brought in to make this offence felony. Spirits.

The town of Newport Paganel desired that colonel Cockeram, in the place of sir Samuel Luke, might be their governor; but upon the question, it passed in the negative.

Plymouth. The town of Plymouth petitioned that the lord Roberts might be continued governor there. It was laid aside, as contrary to the self-denying ordinance; and ordered that a committee of five principal townsmen and gentlemen, their neighbours, should have the government there, and colonel Ker to have command of the forces of the town.

Care was taken to answer the Scots' propositions according to their desires.

Order for col. Rosseter to have the command of all the forces in Lincolnshire; lieutenant-colonel Brown of Boston and captain Culmore to have col. Purefoy's regiment.

The king leaves Oxford. Letters from Abington informed that the king with prince Rupert and Maurice, with one part of their forces, marched out of Oxford towards Cambden: his infantry went with Goring, and about four-and-thirty fieldpieces and carriages towards Worcester; that Cromwell and Browne followed them.

Ordinance sent up to the lords for punishing soldiers that run from their colours.

10. Order for the lord Fairfax and committee in the north to order the war in that association, and the committee to do it for forty days after the commission of the lord Fairfax expires.

Orders for the pay of troops.

Letters from Cromwell and Browne inform of the king's going from Oxford: orders thereupon to the committee of the army for sending money and ammunition to them.

Cromwell. Both houses ordered that lieutenant-general Cromwell should be dispensed with for his personal attendance in the house, and continue his service and command in the army for forty days longer, notwithstanding the self-denying ordinance.

This was much spoken against by Essex's party, as a breach of that ordinance, and a discovery of the intentions to continue who they pleased, and to remove the others from commands, notwithstanding their former self-denying pretences; but the houses judged this fit to be now done.

Sir Thomas Fairfax, upon the parliament's order, returned back to attend the motions of the king, and sent six thousand horse and foot to relieve Taunton.

12. Order for money for Plymouth.

An ordinance committed for cutting down malignants' woods in Hampshire, to raise money for Portsmouth garrison. 146

Four hundred pounds ordered for the lifeguard of sir William Waller, now discharged.

A regiment of five hundred horse ordered for Grantham.

Orders that sir Will. Brereton, sir Tho. Middleton, and sir John Price, members of the house of commons, should continue their command where they are for forty days longer, notwithstanding the self-denying ordinance; and after that time, col. Mitton to be major-general of North-Wales, and M. Bridges to be governor of Warwick in the place of col. Purefoy. Self-denying ordinance.

The speaker was continued master of the rolls till after Trinity term.

13. The business of the church.

The ill-usage of col. Tilliere, a prisoner of war, referred to be examined.

Five hundred pounds paid to the prince elector, and order for the committee of the king's revenue to take care for the payment of the 8000*l.* per annum to him.

A thousand pounds ordered for colonel John Fiennes's regiment.

Col. Campion, governor of Borstall-house for the king, fell upon a party of Cromwell's foot near Tame, and took divers prisoners of them.

Captain Ireton, of sir Robert Pye's regiment, pursued Campion, routed his party, slew eight, took twenty horse and about forty arms, and rescued the prisoners.

Major Purefoy sent a party from Compton-house, who fell upon the rear of the king's army near Stow, and took some prisoners, arms, and money: they charged another party of the king's at Cambden, killed fourteen, and took some horse.

They quitted Cambden-house, setting it on fire, and went to their fellows in the king's army.

14. Letters from sir Thomas Fairfax and colonel Welden certified that the party sent by sir Thomas Fairfax, under col. Welden and col. Graves, to relieve Taunton, came before the town on the Lord's day, May 11; that ten of their men fell upon a hundred of the king's, and killed and took some of them. Taunton relieved.

That the besiegers believed them to have been Goring's forces till they came within four miles of the town, and then, about four o'clock in the afternoon, they confusedly ran away, blocking up the way with trees and other matter, that the parliament's forces could not pursue.

That they came when all the ammunition in the town was spent, much of the town burnt after divers times being stormed and entered by the enemy, who was beaten out again, that the country thereabouts was much unpeopled by the besiegers.

The commons ordered a day of public thanksgiving for the relief of Taunton, and letters of thanks to sir Thomas Fairfax for his care in sending speedy relief thither; and recommended to him colonel Welden, for his good service; and a letter of the thanks of the house to the governor and soldiers there; and 2000*l.* to the garrison for their valiant and faithful defence of it, and 500*l.* to col. Blake the governor.

They ordered the committee of the army to send down shoes to sir Thomas Fairfax's foot that were in that journey.

An ordinance passed for 100*l.* to the lady Drake, and 100*l.* to sir Francis Drake, and 100*l.* to the lady Strode, for their maintenance, who had lost their estates for their affection to the parliament.

The lords, by message, desired that colonel Dalbiere, colonel Butler, and commissary Copely, under accusation and restraint, might be tried or discharged.

At a conference, the earl of Warwick related the state of the navy: that divers Dunkirk ships had commissions from the king, and took the merchants' ships, and threw overboard the mariners of a Scots ship; and that it was requisite to have an addition to the navy.

15. New propositions from the Scots commissioners, touching money for the army, and shipping, and for the Scots officers left out of the new model, were satisfactorily answered.

Order for 3000*l.* for the Scots forces in Ireland, and for captain Batten to be vice-admiral for the summer's fleet.

A day appointed to consider how to raise money for the constant pay of the armies, and to have a stock for that purpose.

Order for the prisoners taken by Cromwell and Browne to be sent up to London.

16. A letter agreed to be sent to sir Thomas Fairfax, expressing the danger to an army by their officers' absence, and desiring him to proceed against such officers according to martial law; and that no officer may be absent at any time without his leave.

An ordinance committed to make major-general Massey major-general of the west, subordinate to sir Thomas Fairfax. Massey.

A petition from Gloucester, that colonel Massey may continue there, carried in the negative, not to be debated; the like upon a petition and articles concerning him.

The committee of Oxon, Berks, and Bucks ordered to go to the militia of London about raising moneys for the forces of those counties, and about sending a party out of the city to besiege Oxford.

Cromwell and Brown pursued the king's forces towards Birmicham, and sent to the associated counties to be upon their guard, if the king's army should break in there, and promised them assistance.

Sir Thomas Fairfax came to Newbury, and from thence resolved to advance to Cromwell, to join with him in pursuit of the enemy.

Gerard's forces gave a defeat to major-general Langherne, and took Haverfordwest in Pembrokeshire.

17. An ordinance for sequestration committed.

The lords sent an order for the earl of Northumberland and his countess to take the care of the king's children, and for the funeral of the countess of Dorset: to which the commons concurred, and ordered money for her funeral, and for arrears to the servants of the children. King's children. Countess of Dorset.

Debate concerning reducing of Oxford, and an ordinance appointed for selling delinquents' estates to raise money for that purpose.

A declaration touching the transactions with the States' ambassadors passed, and referred to the committee of both kingdoms, to cause it to be translated into other languages, and to publish it. Dutch ambassadors.

Sir Thomas Fairfax faced Dunnington-castle, and took about ten officers and other prisoners.

19. Rules for regulating the army approved, and 200*l.* a

week ordered to be paid to the commissioners in the army for buying horses for recruits.

An order for augmentation of means to Mr. Griffith, a minister.

The sheriff of Warwickshire dispensed with to reside in Coventry.

Scarborough. Letters from Scarborough informed that some of the garrison sallied out, and at first put the besiegers to a stand, but
147 they recovered, and beat back the enemy. Sir John Meldrum wounded, and lieutenant Cockeram and other officers slain, and some of the garrison slain; lieutenant-colonel Stanley was taken prisoner and carried into the castle, and there slain by them in cold blood.

Taunton. In the siege of Taunton were slain of the besiegers one thousand, and twelve cartloads of maimed men carried off, and in the town about one hundred only slain, and many wounded. When the besiegers went away, they left behind them one thousand arms.

A hundred and fifty a week died of the plague in Bristol.

20. The business of the church.

Order for payment of the arrears of the earl of Essex; and an ordinance passed for settling 10,000*l.* per annum on him, in consideration of his great services and losses.

Welden. Order for 3000*l.* a month for the forces under col. Welden and col. Graves, who relieved Taunton. And a letter of
Meldrum. thanks ordered to sir John Meldrum, and 500*l.* more to be bestowed on him, and for pay for his forces; and the constant
O Conelli. payment of 200*l.* per annum to Owen O Conelli, that discovered the rebellion in Ireland.

The business of trade and the admiralty referred to the committee of the navy.

A consultation by a committee with the common council of London about the reducing of Oxford.

Sir Thomas Fairfax advanced from Newbury to Blewbury, and thence to Witney, thence to Newnham, three miles from Oxford; Cromwell and Brown called back to join with him.

He took three carts laden with Canary wines, forty horse and their riders of the Oxford forces, and pursued those that escaped, to the walls of Oxford.

The king went towards Shropshire.

Sir William Brereton drew off from Chester, to prevent the king's surprising of his forces.

The king's party took Hawkesley-house in Staffordshire, and carried the garrison, being eighty prisoners, to Worcester.

21. A petition from Lynne, upon which an order for repairing the works there, and care taken for money for provision for Cambridge, and for the works there, and 100*l.* per mensem for the committee of the eastern association for their clerks, and extraordinary charges.

Order for raising the arrears of the Scots money from those counties.

The exchange of colonel Fielding approved.

A petition against the monopoly of merchant adventurers referred to a committee.

22. Order for a committee of the house to join with a committee of the city, to consult about the design of reducing Oxford, and for money for it.

Order for money for Windsor garrison.

Ordinance for the government of Newcastle sent up to the lords.

Sir William Brereton raised his siege of Chester, and drew into Lancashire to join with the Scots forces, and the king's forces relieved Chester.

Captain Stone fell upon the rear of the king's army at Woolverhampton, killed sixteen, and took twenty-six horse and their riders. Captain Stone.

Next day captain Stone fell upon their quarters at Newport, took sixty horse, and killed a captain and twenty others; next day he killed three, took four prisoners, and some horses.

Sir Thomas Fairfax blocked up Oxford, and at several times took of them about one hundred prisoners and arms. Oxford.

23. An impeachment for breach of privilege, uncivilly and violently using a member of the house, was ordered to be brought in.

Money provided for charges of the siege of Oxford.

A fortnight's pay ordered for M. Urrey and his officers.

Order for auditing the accounts of the officers under sir William Waller now left out of the establishment.

The lords adjourned two days in the week, and sent to the

commons that they intended to do so; and it was moved in the house of commons that they might do the like, but carried in the negative, not to adjourn two days in the week, and the like for one day.

24. Upon a petition of the maimed soldiers and widows of those slain, who were very impetuous for more maintenance, the house added 50*l.* a week to the 200*l.* a week formerly given to them.

Scots army. The house sent earnest letters to the Scots army, and messages to the Scots commissioners, to hasten the advance of the Scots southwards, to join with other forces to pursue the king's army.

Counterfeit. A messenger discovered to have counterfeited a letter from the lord Inchequin of a great victory in Ireland, and that it rained blood at Dublin; upon examination he confessed he did it in hopes to get a gratuity from the parliament, and was committed for it.

A collection for the town of Taunton, where so many of their houses were burnt, and so much of their goods spoiled.

26. Ordinances for raising moneys sent to the lords.

Colonel Barker governor of Coventry desired that, by reason of his sickness and old age, he might surrender that charge; and the committee of Coventry petitioned that captain Willoughby might succeed him; which the commons agreed, and sent to the lords for their consent.

Charges for convoys of moneys ordered to be paid, and pay for the forces in Derbyshire.

Sir John Morley and divers aldermen of Newcastle disfranchised, and new magistrates there appointed.

Oxford. Letters from the forces before Oxford informed that sir Thomas Fairfax came to Marston, about a mile from Oxford, where Cromwell and Browne met him; that their foot were quartered near their horseguards and perdues within twice musket-shot of the works.

That the king's forces drowned the meadows as much as they could and fired the suburbs, burnt a corn-mill and a garrison at Woolvercot, and intended to have burnt the towns round about, but that sir Thomas Fairfax's forces possessed them; that as he was viewing the works, a cannon bullet from the garrison came very near him, but did no hurt, and then he came within twice pistol-shot of the works, but they

were sparing of their powder; that the soldiers were intrenching of their head quarters, and making a bridge over the water.

That they intercepted some letters, and took Philpot the herald, and some doctors that were fearful of a siege; that the lord Cottington, earl of Dorset, and all the lords and gallants in Oxford bear arms; that they quenched the fire, and took the deputy-governor and all the arms and ammunition at Woolvercot.

Captain Flemming, going beyond his commission, and by the unruliness of his horse, who carried him among the enemy, was mortally wounded by a shot in the belly.

The sickness continued very hot in Bristol.

27. Order for lieutenant-general Cromwell to go with a party to the Isle of Ely, and to endeavour to prevent the king's coming into that association. 148

Ordinances for money for Ely, and for the siege of Oxford.

Order for colonel Paine to have two regiments, and pay for them in the north.

An ordinance passed to enable the committee of Oxon, Berks, and Bucks to take voluntary contributions for the additional forces for reducing of Oxford.

An ordinance passed for raising moneys out of delinquents' estates.

The Scots army retreated again northwards, suspecting the advance of the king's forces that way.

Letters from Edinburgh informed that major-general Urrey routed Montrose's forces, who retreated to Aberdeen, and that two thousand were slain on both parts. Urrey.

28. The monthly fast.

In the evening the house sat, and had letters from Mr. Dormer, that colonel Massey, with about eight hundred horse and six hundred foot, took Evesham after an hour's storming, with the loss but of five soldiers and two officers, and about thirty wounded in all.

That they slew about ten of the enemy, and took prisoners colonel Robert Legge, about fifty other officers, and about five hundred common soldiers, with store of arms and ammunition.

The declaration of the transactions with the States' ambassadors was published, wherein the parliament set forth Dutch ambassadors.

the abusive and ill carriage of the States' ambassadors Borelli and Rainsborough, both made knights and barons by the king, and that they shewed themselves rather parties for the king, than mediators between him and his parliament.

They demand justice against those ambassadors, and declare their own condition not to be yet so low, but that they can resent, if not return both courtesies and injuries. They acknowledge the Christian and neighbourly zeal of the States' to the peace of this nation, and desire to know wherein they may be useful to them, their honoured neighbours and predecessors in the like sufferings.

29. Order to audit the accounts of the officers of the train of artillery of sir William Waller.

Cromwell drew off to the Isle of Ely, sir Thomas Fairfax blocked up Bostal-house, and made a bridge with two forts near Kidlington; they came towards Leicester.

Colonel Norton.

A party of colonel Norton's forces went towards Lanford-house, and placed an ambuscado undiscovered by the enemy, who came forth to fall upon them; they retreated to their ambuscado, the enemy followed them, and were all surprised.

There were taken colonel Griffith the governor, divers officers, sixty-three prisoners and their arms, and ten killed.

30. A letter from the committee of Gloucester, of the danger of that place and county, by the removal of colonel Massey, answered by the commons that they would take care of that city and of the county.

Prisoners from Guernsey referred to a committee, and to examine that business.

Ordinance sent up to the lords, to enable the committee of Plymouth to execute martial law there.

The Kentish regiment continued, and pay for them there.

Major-general Browne came to London to hasten the provisions for the siege before Oxford.

31. The business of the church debated, and ordinances touching the excise, and for money for the forces in the west.

Letters written to the sub-commissioners of excise, and to the officers in the several counties, to give encouragement and assistance for the levying the excise money.

Order of both houses for their committee touching forts and castles to be reduced in the quorum to two lords and four commoners.

Letters informed that the king was set down before Leicester. Leicester.

2. On consideration of the king's being at Leicester, and the danger to the associated counties thereby, the house ordered that the committee of both kingdoms should consider of such disposal of the armies under sir Thomas Fairfax as may be most advantageous for the public, and that the blocking up of Oxford be left to major-general Browne. June 1645.

Browne being at the door of the house at that time was sent for in, and had the thanks of the house for his good service, and was desired to continue his care and constancy therein, and to return to his charge. Browne.

Ordinances passed for moneys for the west and other forces.

Colonel Rainsborough with his regiment of foot and three troops of colonel Sheffield's horse, took in Gaunt-house, ten miles from Oxford, and therein the governor, with all his soldiers, arms, ammunition, and provisions.

The king's forces having made their batteries stormed Leicester; those within made stout resistance, but some of them betrayed one of the gates; the women of the town laboured in making up the breaches, and in great danger. Leicester stormed.

The king's forces having entered the town, had a hot encounter in the market-place; and many of them were slain by shot out of the windows. That they gave no quarter, but hanged some of the committee, and cut others in pieces. Some letters said that the kennels ran down with blood.

That colonel Gray the governor and captain Hacker were wounded and taken prisoners, and very many of the garrison put to the sword, and the town miserably plundered.

The king entered the town on Sunday, June 1st, and sent part of his forces into Derbyshire.

3. Order for colonel Massey to advance into the west, and the city and county of Gloucester to be governed by a committee, as the parliament shall direct.

Ordinance for money for the siege of Oxford, and two regiments to go out of London to major-general Browne to that siege.

An ordinance for money for the Isle of Ely.

The papists and others in Northumberland plotted to surprise sir John Fenwick the high sheriff and the militia there, but were discovered and suppressed.

Meldrum. Sir John Meldrum died of his wounds received in the siege of Scarborough-castle.

Both parties in the west had often skirmishes.

A party sallied out of Oxford, and took and killed about eighty of the parliament's forces; the next day a party of the parliament's took twelve of the garrison, and brought away fifty cows from under their walls.

149 Letters intercepted by colonel Massey mention the king's concluding a peace with the Irish rebels.

4. Order of both houses for 200*l.* for lieutenant-general Middleton; and a pass for him to go to his charge in the Scots army.

2000*l.* of the arrears due to the earl of Essex charged on the excise.

An ordinance passed for reimbursing money lent by the commissioners of excise for reducing Oxford.

Lieutenant-general Cromwell got together three thousand horse in the associated counties.

London petition. The city of London petitioned that recruits may be had for sir Thomas Fairfax's army, and a committee sent thither, that the army or part of it may be ordered to march towards the enemy in the field, and to regain Leicester, and to prevent the surprisal of other places; and the Scots pressed to advance southwards, that Cromwell may command the association; and care be taken of the navy, and that the proceedings of the late treaty may be published.

The house called in the petitioners, and gave them thanks for their care and good affections.

At a conference the lords acquainted the commons with an information concerning the taking of Leicester, which was referred to a committee to be examined.

5. Orders for recruits of the Kentish regiment, and colonel Fleetwood's regiment.

An ordinance considered for the sale of delinquents' estates.

Martial law. Another sent to the lords to give power of martial law to the committee of Kent.

The king continued at Leicester, and began to fortify there, and then marched forth to meet sir Thomas Fairfax, who was drawn off from Oxford to advance towards the king.

Massey. 6. Massey wrote for recruits, and some members of the

house were appointed to answer his letters, that they were sent to him, and that he should never want the encouragement of parliament, and prayed him to go on in the business of the west with his wonted valour and prudence.

Upon the danger of Newport Paganel, the king drawing that way, and upon the petition of the town, sir Samuel Luke was continued governor there for twenty days, notwithstanding the self-denying ordinance.

7. The king's forces under Goring, Hopton, Barkley, and Greenville, and about ten thousand in all, joined together; the forces at Taunton fought with them, but being over- Taunton.
powered with numbers, and having lost many of their men, they retreated into the town, where the king's forces again besieged them.

Intelligence came that the parliament's forces at Pembroke beat off Gerard's forces that besieged them, and routed his party.

Ordinance sent to the lords, for associating the northern counties.

Letters from Leicester informed that the committee men Leicester.
and Scots there were not killed in cold blood, as was before reported, but that the king's forces killed divers who prayed quarter, and put divers women to the sword, and other women and children they turned naked into the streets, and many they ravished.

That they hanged Mr. Reynor and Mr. Sawer in cold blood; and at Wighton they murdered Mrs. Barlowes, a minister's wife, and her children; that in the storming of Leicester about three hundred were slain on both sides, and not more.

Order for exchange of sir Robert Pye for colonel Tilliere and others.

Sir Thomas Fairfax came to Newport Paganel, Cromwell was by order coming up to him.

9. Order for 500*l.* to be raised by coals for relief of the poor of Newcastle.

An ordinance for sir Thomas Peyton's fine to take off his sequestration.

Order for captain Willoughby to command colonel Barker's regiment.

Another to put Surrey into a posture of defence, and for

more forces there, and payment of the garrison of Farnham, sent up to the lords.

An ordinance passed for sequestrations in Hampshire, the money raised thereby to be employed by the committee for defence of that county.

Holland ships taken by the parliament's navy, and order for a declaration to the States about it.

Colonel Massey marched westward.

London. The common council and others of London met and agreed voluntary supplies, and 4000*l.* gathered for raising a thousand horse to join with Massey to relieve Taunton, besides what the parliament did send.

Armies draw near each other. Sir Thomas Fairfax quartered at Brickhill, thither colonel Vermuden came to him with two thousand five hundred horse and dragoons. The army was then twelve thousand five hundred, besides Cromwell's forces of three thousand foot and a thousand horse more, drawing towards him.

The king was at Homeby-house, four miles from Northampton, and his army marched towards Oxford: sir Thomas Fairfax marched after him.

Upon this news I met with my kind friend Mr. William Lily accidentally in the street, who asked me the news of the two armies being near one another; I told him it was true, and that they were very likely to engage: he then replied, "If they do not engage before the 11th day of this month, the parliament will have the greatest victory that they ever yet had:" and it proved accordingly, as you will see by what follows.

The Scots army were on their march southwards, as far as Borough-brigge, but made no great haste till they saw what success the new modelled army would have.

Cromwell. 10. Letters from the chief officers of horse under sir Thomas Fairfax to the parliament, desiring that colonel Cromwell might be lieutenant-general of the horse under sir Thomas Fairfax; and after some debate, the house ordered that sir Thomas Fairfax should appoint Cromwell to command the horse under him as lieutenant-general, if he thought fit.

Cromwell began to increase in the favour of the people and of the army, and to grow great, even to the envy of many.

Letters from the committee of Kent, of a troop of horse

and a company of dragoons raised by them to be under Massey for the relief of Taunton, and had thanks for it.

The ordinance for the committee of Hampshire agreed unto.

And ordinance passed to empower sir Thomas Fairfax to press men for a month, excepting clergymen, scholars, and some others.

100*l.* ordered for sir Robert Pye as a gratuity from the parliament, and in recompense of his losses at Leicester.

Sir Thomas Fairfax and the king's forces were within six miles of each other.

Langdale's regiment were in discontent near Leicester, because they might not advance northwards; but the king quieted them with a promise that they should march thither within fifteen days. Langdale.

11. Letters from sir Thomas Fairfax, informing of his advance towards the enemy, and his resolution to engage them if they would stand: the king's forces were about Daintree, and they were there fortifying the hills called Danes-hills. 150

The commissioners in the army sent for money, and a month's pay was ordered to be forthwith sent to the army by the committee of the army.

Divers officers left out of the new army offered to list themselves as reformadoes for relief of Taunton: and the house ordered that such as should so list themselves should have a fifth part of their arrears paid them within a month after their advance; and those that did not perform should forfeit all their arrears.

Informations against some members of both houses, and Mr. Cranford, a minister, committed for some words spoken by him in that business; reference to a committee to examine it.

Ordinance for 21,000*l.* for the Scots army passed, and for 400*l.* for widows of soldiers.

Letters from the west certified that colonel Ingolesby fell upon the enemy's quarters near Taunton, and slew divers considerable men. Ingolesby.

Fasts in twelve parishes to crave a blessing upon the armies.

Taunton. 12. Letters from Taunton, that if relief came not speedily to them they should be put unto great straits for provisions and ammunition; they assured the house they never accepted of a parley from the enemy, but scorned it; and they had left some ammunition, and resolved to feed upon their horses: they desired the house to take consideration of their condition; and left all to God, who they doubted not but would relieve them.

Orders for letters to them, that relief should speedily come to them; and what money they took up the house would pay; and desired them to go on in their vigilancy and valour, and they should never want the encouragement of the parliament.

Sir Thomas Fairfax advanced near Tocester.

Three thousand cattle driven by the king's forces towards Oxford, which they had taken from the country.

Letters from the north certified that the Scots were southwards as far as Doncaster.

Letters written to Northampton, Bedford, and Bucks, to bring in provisions to sir Thomas Fairfax's army.

Ordinance for bringing in of money sent to the lords.

Debate touching non-admission to the sacrament.

13. Ordinance sent to the lords to raise a regiment of dragoons for Taunton.

A committee sent to the city to consider of raising a month's pay for the Scots army.

Orders for exchange of prisoners.

The parliament forces slighted the garrisons of Coleorton and Kirby, and marched away.

14. A petition from the Scots officers who had served the parliament, setting forth their condition and want, and praying to have money for their present necessity, the house referred the auditing of their accounts to a committee, and to consider of some present relief for them.

Naseby battle. This was the day of the famous battle at Naseby. The king had drawn off from Borough-hill to Harborough, purposing to march to Pomfret, and thinking, if he were followed, he should fight with more advantage northward.

Fairfax sent out Ireton with a flying party of horse, who fell upon a party of the king's rear quartered in Naseby town,

took many prisoners, some of the prince's lifeguard, and Langdale's brigade.

This gave such an alarm to the whole army, that the king at midnight leaves his own quarters, and for security hastens to Harborough, where the van of his army was quartered, raiseth prince Rupert, and calls a council of war.

There it was resolved (and chiefly by prince Rupert's eagerness, old commanders being much against it) to give battle: and because Fairfax had been so forward, they would no longer stay for him, but seek him out. Fairfax was come from Gilborough to Gilling, and from thence to Naseby, where both armies drawn up in battalia faced each other.

The king commanded the main body of his army, prince Rupert and prince Maurice the right wing, sir Marmaduke Langdale the left, the earl of Lindsey and the lord Ashley the right hand reserve, the lord Bard and sir George L'Isle the left reserve.

Of the parliament's army Fairfax and Skippon commanded the main body, Cromwell the right wing, with whom was Rosseter, and they both came in but a little before the fight: Ireton commanded the left wing, the reserves were brought up by Rainsborough, Hammond, and Pride.

Prince Rupert began, and charged the parliament's left wing with great resolution; Ireton made gallant resistance, but at last was forced to give ground, he himself being run through the thigh with a pike and into the face with a halberd, and his horse shot under him, and himself taken prisoner.

Prince Rupert follows the chase almost to Naseby town, and in his return summoned the train, who made no other answer but by their firelocks; he also visited the carriages, where was good plunder, but his long stay so far from the main body was no small prejudice to the king's army.

In the mean time Cromwell charged furiously on the king's left wing, and got the better, forcing them from the body, and, prosecuting the advantage, quite broke them and their reserve.

During which, the main bodies had charged one another with incredible fierceness, often retreating and rallying, falling in together with the but-ends of their muskets, and coming to hand blows with their swords.

Langdale's men having been in some discontent before, did not in this fight behave themselves as they used to do in others, as their own party gave it out of them; yet they did their parts, and the rest of the king's army, both horse and foot, performed their duties with great courage and resolution, both commanders and soldiers.

Some of the parliament horse having lingered a while about pillage, and being in some disadvantage, Skippon perceiving it, brought up his foot seasonably to their assistance, and in this charge (as himself related it to me) was shot in the side.

Cromwell coming in with his victorious right wing, they all charged together upon the king, who, unable to endure any longer, got out of the field towards Leicester.

Prince Rupert, who now too late returned from his improvident eager pursuit, seeing the day lost, accompanied them in their flight, leaving a complete victory to the parliamentarians, who had the chase of them for fourteen miles, within
151 two miles of Leicester; and the king finding the pursuit so hot, left that town, and hastes to Litchfield.

This battle was won and lost as that of Marston-Moor, but proved more destructive to the king and his party; and it was exceeding bloody, both armies being very courageous and numerous, and not five hundred odds on either side.

It was fought in a large fallow field, on the north-west side of Naseby, about a mile broad, which space of ground was wholly taken up.

Skippon. On the parliament's side were wounded and slain above one thousand officers and private soldiers. Major-general Skippon (an old experienced soldier) was ordered to draw up the form of the battle; he fought stoutly that day, and although he was sorely wounded in the beginning of the fight, and the general desired him to go off the field, he answered, he would not stir so long as a man would stand; and accordingly stayed till the battle was ended.

Ireton was dangerously hurt, and taken prisoner for a while, after he had done his part; but in the confusion of the fight got loose again, and saw the victory achieved by his party.

Fairfax. The general had his helmet beat off, and riding in the field bareheaded up and down from one part of his army to another, to see how they stood, and what advantage might be

gained, and coming up to his own lifeguard commanded by colonel Charles D'Oyley, he was told by him that he exposed himself to too much danger, and the whole army thereby, riding bareheaded in the fields, and so many bullets flying about him, and D'Oyley offered his general his helmet, but he refused it, saying, "It is well enough, Charles:" and seeing a body of the king's foot stand, and not at all broken, he asked D'Oyley if he had charged that body, who answered, that he had twice charged them, but could not break them.

With that, Fairfax bid him to charge them once again in the front, and that he would take a commanded party, and charge them in the rear at the same time, and they might meet together in the middle; and bade him, when Fairfax gave the sign, to begin the charge.

D'Oyley pursued his general's orders; and both together charging that body put them into a confusion, and broke them; and Fairfax and D'Oyley met indeed in the middle of them, where Fairfax killed the ensign, and one of D'Oyley's troopers took the colours, bragging of the service he had done in killing the ensign and taking the chief colours.

D'Oyley chid the trooper for his boasting and lying, telling him how many witnesses there were who saw the general do it with his own hand; but the general himself bade D'Oyley to let the trooper alone, and said to him, "I have honour enough, let him take that honour to himself."

Both the general and the lieutenant-general performed their work with admirable resolution, and by their particular examples infused valour into their followers; so likewise did the other officers, of whom divers were wounded.

On the other side, the king shewed himself this day a cou- The king.
rageous general, keeping close with his horse, and himself in person rallying them to hot encounters.

The earl of Lindsey, lord Ashley, colonel Russel, and others, wounded, performed their parts with great gallantry; twenty colonels, knights, and officers of note, and six hundred private soldiers were slain on the king's part; but much more was the damage he sustained by those taken;

That is, six colonels, eight lieutenant-colonels, eighteen majors, seventy captains, eight lieutenants, two hundred ensigns, and other inferior officers, four thousand five hundred common soldiers, besides one hundred Irish women,

and many other women, who followed the camp; thirteen of the king's household servants, four of his footmen, twelve pieces of ordnance, eight thousand arms, forty barrels of powder, two hundred carriages, all their bag and baggage, with store of rich pillage, three thousand horse, the king's standard, and divers colours of horse and foot, one of the king's coaches, and his cabinet of letters and papers.

Sir Marmaduke Langdale fled to Newark.

15. The Lord's-day, divers preachers took notice of this great victory in their prayers and sermons, and returned praise to God for it.

16. Several gentlemen, colonel John Fiennes and others, came from the army, with the prisoners and colours, and some with letters from the general, of this great success at Naseby; they were called into the house, and made a particular narration of the fight.

The house gave 100*l.* to one of them, 40*l.* to another, and gratified all the messengers of this good news.

Then, according to the desire of sir Thomas Fairfax in his letters, they ordered a day of thanksgiving to God for it, the parliament to keep it at Christ-Church, and the lord mayor, aldermen, and the common council to be desired to meet the parliament there; and another day of public thanksgiving for this victory was appointed to be kept in all counties within the power of the parliament.

Letters of thanks ordered to sir Thomas Fairfax and his field-officers, and 500*l.* to be bestowed upon a jewel for sir Thomas Fairfax.

Cromwell. Order that lieutenant-general Cromwell shall continue lieutenant-general of the horse under sir Thomas Fairfax, during the pleasure of the houses, notwithstanding the self-denying ordinance; and shall receive the pay of lieutenant-general for the time of the establishment of this army.

The same night, after the battle of Naseby, sir Thomas Fairfax blocked up Leicester with his horse, and next day his foot came up to him.

Colonel Rosseter. Houghton garrison being taken by a party from Newark was the same day regained by colonel Rosseter, who released the prisoners taken there, and took of them prisoners major Broughton, and divers other officers, fifty-five gentlemen volunteers and soldiers, and sixty horse.

A party of sir William Brereton, under lieutenant-colonel Venables, fell upon a party of the Chester forces, took one hundred and eighty of them prisoners, and thirty horse, and forced the rest back into Chester.

Several parties of the king's joining to besiege sir W. Whitmore's house, a garrison of the parliament, a party from Shrewsbury encountered with them, slew and took prisoners about four hundred, and dispersed the rest; and sir William Crofts was slain in the fight.

Captain Stone and captain Tuthall fell upon a party of the king's near Litchfield, took major Henningham, other gentlemen and officers, of the name of Devereux, twenty-five common soldiers, forty horse and arms, a coach and horses, divers portmantles, and good pillage.

17. Debate in a grand committee of the business of the church.

An ordinance committed for the sale of delinquents' estates.

The town of Taunton understanding from Lyme of the parliament's sending relief to them, and having a small supply of powder from Lyme, a party of the garrison issued out upon the besiegers, took and slew above four hundred of them, with the loss of one hundred of the garrison; and by this means, the enemy drawing back, they have enlarged their quarters five or six miles' compass. Taunton. 152

18. The sheriffs of London came to both houses, and in the name of the lord mayor, aldermen, and common council, invited them to dinner the next day, being the day appointed by them for public thanksgiving, and both houses accepted of the invitation. London.

Order for a collection at the day of thanksgiving for those of Leicester now in town.

The lords agreed to the ordinance for lieutenant-general Cromwell to be lieutenant-general of the horse, but altered it in point of time to be but for three months, to which the commons upon debate consented. Cromwell.

Colonel Fiennes, sent up to London with the four thousand five hundred prisoners taken at Naseby battle, was ordered to stay at St. Alban's till the house should take order for the disposal of them.

19. Both houses and the city kept the day of thanksgiving

together, and news was brought to them of the regaining Leicester.

Sir J. Gell. Letters informed, that upon routing the king's army sir John Gell gathered together all the forces of Derbyshire and the adjacent parts, and June 16 they met with some of the king's horse, and took two hundred, and another party fell upon the Newarkers, and routed them, took sixty horse, forty-two prisoners, and eighty arms.

Leicester. The same day sir Thomas Fairfax came before Leicester, and summoned the town to surrender to him, and not to force him to take it by storm: the governor answered, that he would not surrender it. Sir Thomas Fairfax called a council of war about the storming of it, which was concluded.

The next day they fell to raising batteries, and made all provision night and day for it.

June 17. Sir Thomas Fairfax battered the town, and stormed it, and the governor sent for a parley, to which sir Thomas Fairfax agreed, and sent colonel Pickering and colonel Rainsborough his commissioners into the town to treat about the surrender of it.

In the meantime sir Thomas Fairfax lost no time to make provision for the storm, and had intelligence that the king was advancing with about four thousand horse towards them.

But the commissioners agreed with the lord Loughborough, governor of Leicester, for the rendition of the town to sir Thomas Fairfax upon articles: and there he had fourteen pieces of ordnance, thirty colours, two thousand arms, five hundred horse, fifty barrels of powder, and all their arms, ammunition, provisions, bag and baggage.

Both houses feasted. Both houses were magnificently feasted by the city at Grocers' Hall, and after dinner they sung the 46th Psalm, and so parted.

20. The commons sent a letter of thanks to major-general Skippon, and Dr. Clarke a physician to visit him, and desired sir Thomas Fairfax to take care that the chirurgeons of the army might use their best endeavours for his recovery.

The Scots army being at Nottingham, and sir Thomas Fairfax at Leicester, it was referred to the committee of both kingdoms to manage the armies to the best improvement of the public service.

An ordinance passed for Rutlandshire.

A petition from the adventurers for Ireland.

An ordinance passed for the northern association.

Sir Thomas Fairfax's army, notwithstanding their hard service, marched from Leicester, and sat down before Ashby de la Zouche.

Three thousand fresh horse of sir John Gell, colonel Rosseter, colonel Lambert, and others, pursued the king's army.

21. Order for the prisoners taken at Naseby to be put into the military grounds, till they should be otherwise disposed of. Naseby prisoners.

Care was taken of the wounded soldiers, and for prosecuting the war, and advancing of the armies in pursuit of the king's forces.

The four thousand five hundred prisoners taken at Naseby fight were conducted through London to Westminster, and fifty-five of their colours then taken were carried before them.

22. The Lord's-day; great expressions in the pulpits touching the victory at Naseby.

23. Carlisle was willing for a treaty of surrendering the town, if they might be assured of an English governor and garrison, the which was voted by the commons, and letters sent to the officers of the English and Scottish armies to assure the same to those of Carlisle, who had held out very long and courageously for the king. Carlisle.

Another order for the earl of Northumberland to have the care of the king's children, and 3000*l.* per annum allowed him for them. King's children.

The letters taken in the king's cabinet at Naseby read in the house, and some of them referred to a committee to be deciphered. Letters taken at Naseby.

Mr. Brown a gun-founder and his son committed upon matters in some of the letters.

24. The letters taken in the king's cabinet were most of them read in the house, and in some of them was mention of his majesty's intention to make a peace with the Irish rebels, and to have forty thousand of them over into England to prosecute the war here.

In other letters to the queen the king complains that he could not prevail with his mungrel parliament at Oxford to vote that the parliament at Westminster were not a lawful

parliament, that he will not make a peace with the rebels (the parliament) without her approbation, nor go one jot from the paper she sent him.

That upon the treaty at Uxbridge he did not positively own the parliament, it being otherwise to be construed, though they were so simple as not to find it out; and that it was recorded in the notes of the king's council that he did not acknowledge them a parliament.

Ordinance sent to the lords for putting the county of Surrey into a posture of defence, and for pay for the forces there.

100*l.* given to the messenger that brought up the colours from Naseby fight.

Ordinance sent to the lords for money for Portsmouth garrison.

Order for the business of the church to be taken into debate every Wednesday and Friday.

An ordinance passed for reimbursing money for Pembrokeshire.

Sir Thomas Fairfax prosecuted the king's forces towards Hereford, and left colonel Needham governor of Leicester.

Colonel Morgan blocked up Sandal-castle, and major-general Poynes went to Pomfret, to order the battery there.

Colonel Rosseter.

Colonel Rosseter came back from pursuing the king's forces, charged and routed a party of the Newarkers, rescued twenty constables and tithingmen taken by them, and took fifty horse and many prisoners of them.

153 25. The monthly fast kept. Divers officers, prisoners, committed to London-house.

26. An ordinance sent to the lords about taking the accounts of the kingdom, and orders for disposal of the prisoners; some to serve the parliament in Ireland, and others as the parliament shall direct.

Letters written to sir Thomas Fairfax to prosecute his intentions against the enemy, and the ordinance continued to empower him to press soldiers for three months longer, and another for recruits for his army.

Martial law.

Another ordinance passed, empowering the committees in the several counties where any soldiers were pressed and afterwards did desert the service, to proceed against them according to martial law.

Another for money, for the late officers of the earl of Essex and of sir William Waller.

Massey advanced to Lyme in order to relieve Taunton: the king was at Hereford, and sir Thomas Fairfax at Gloucester.

The Scots army ordered to march from Nottingham to Worcester.

Colonel Hunt went from Shrewsbury before Cause-castle, which surrendered to him; the king's garrison there marching away with their colours and swords, and left in the castle five hundred arms and store of ammunition.

Major-general Browne took a troop of colonel Royden's horse, and a foot company of Oxford.

The commons ordered all the ensigns and cornets taken at Naseby, or formerly, and which hereafter be taken from the enemy, should be brought into the herald's office, and be there registered, and Mr. Riley to be intrusted therewith. Ensigns taken at Naseby.

27. The grand committee sat for the church business; and after that, in the house an ordinance read to confirm and establish the directory for worship.

An ordinance passed for a collection to provide money and necessaries for those prisoners who were willing to serve against the rebels in Ireland, to transport them thither.

Letters from Plymouth informed that Greenville was raising more forces in Cornwall, and that divers soldiers come away from the king's garrisons to the parliament's.

That three Dunkirk ships came to Dartmouth with the king's commission to inhabit there, and were received, but not well used; and two of the Dunkirk ships were taken by the parliament's.

28. Sir Thomas Fairfax, by order of parliament, advanced toward the relief of Taunton, and sent to Massey that by a day he would join with him.

Letters from general Leven desired pay for the Scots army: the houses thereupon sent a committee to acquaint the lord mayor and common-council of the city therewith, and to desire the speedy raising of 30,000*l.* for this service; and wrote answer to general Leven, that they would take care forthwith for their satisfaction. Scots army.

The commons ordered the prisoners to be removed from

the military ground, where there wanted shelter for them; and 300*l.* for their supplies.

Skippon. 30. Letters from major-general Skippon informed of his being in a hopeful way of recovery: and thereupon the commons ordered 200*l.* to be sent to him as a testimony of their favour, and 200*l.* more for payment of his doctors, chirurgeons, apothecaries, and other expenses.

Order for 1000*l.* for those gentlemen (some of whom were now members of parliament) who suffered in 1 and 2 Car. for their affections to the public; and the committee for them, and for the necessities of the present members, was revived, and satisfaction of damage voted to be out of the estates of delinquents.

The letters taken at Naseby referred to a committee to be perused, and observations to be made upon them, and to communicate some of them to the common-council of London.

An ordinance sent to the lords touching gunpowder and the office of the ordnance.

Letters to the association for recruits and arrears to be sent to sir Thomas Fairfax's army.

Ordinance passed for 1500*l.* for the regiment of colonel John Fiennes.

Major-general Poynes took the church at Pomfret.

Sir Thomas Fairfax took about one hundred arms from lieutenant-colonel Not at Highworth, who was there slain, and divers officers.

Colonel Hutchinson took sixty horse and forty-eight prisoners, officers, and arms.

Major Saddler took from major Duet near the Devizes sixteen prisoners.

Colonel Venables took sir Thomas Powel, high sheriff of Chester, forty prisoners, and one hundred horse.

July 1645. 1. An ordinance sent up to the lords for 400*l.* to be paid to sir William Waller's lifeguard.

Tuesdays and Thursdays set apart for considering how to raise moneys for sir Thomas Fairfax's army, and several orders passed for that purpose.

Foreign agents. Order of both houses for the departure of the duke of Lorain's agent and of the king of Portugal's agent, and for a

letter to be sent to the king of Portugal of the miscarriage of his agent here.

Order that the committee of both kingdoms should give directions from time to time for the recruits to be sent to sir Thomas Fairfax.

The ordinance passed for putting Surrey into a posture of defence and for pay for Farnham garrison, and another for 20,000*l.* towards reducing Oxford.

The antiparliament sat again at Oxford, and were about a declaration to encourage their party, and taking care for money and recruits for the king. Oxford parliament.

Colonel Baxter, governor of Reading, went out with a party, and faced Wallingford, near their works.

2. Debate about church affairs.

One Lusher had been apprehended for a Romish priest; the Spanish ambassador owned Lusher as his servant; and in favour of the ambassador both houses discharged Lusher, and ordered him to depart the kingdom in ten days.

Both houses ordered the continuance of the commissioners of the great seal and of the master of the rolls for six months longer, notwithstanding the self-denying ordinance.

By contrivance of some of the presbyterian party to take Mr. Hollis and me out of the way, the lord Savile, newly revolted from the king, accused us of high treason to the parliament, for advising the king at Oxford when we were there the parliament's commissioners. We were persecuted with all eagerness, and defended ourselves with all constancy and mutual fidelity; and by the unworthiness of the accuser and innocency of the accused, and justice of the house, but chiefly 154
through the goodness of God, after a long and strict examination, and great trouble to us, we were by vote of the house clearly acquitted from any misdemeanour in this business, and the lord Savile was committed.

Mr. Gordon, a member of the house of commons, presented to them a letter from the lord Savile, with a paper enclosed in it, and desired that they might be read, and after some debate they were read. The letter was expressing his affections to the parliament, to whom he had come from the king and submitted himself, and taken the oath enjoined: in observance whereof, and of his duty to the parliament, under whose protection he was, he held himself obliged to discover Lord Savile.

to them what he knew concerning two of their members, who had done contrary to their trust, and to the prejudice of the parliament in the matters contained in the enclosed paper.

Hollis and Whitelocke accused.

That paper set forth that Mr. Hollis and Mr. Whitelocke, being persons well affected to the king and to his cause, were nevertheless two of the parliament's commissioners lately sent to Oxford to his majesty with propositions from the parliament for peace.

That they, being at Oxford, did, contrary to their trust, and to the prejudice of the parliament, treat and advise with the king and some great lords about him, namely, the earl of Lindsey, the earl of Southampton, and others, about the king's answer to those propositions, and did give a paper in writing what they advised the king's answer should be.

That their advice in the said paper was followed by the king, and some of the very words thereof were made use of in the king's answer, and that both before and after that time they held intelligence and correspondence with the king and his party at Oxford.

Much other matter was in the paper to the like effect, and upon the reading of it divers of the house were very high, and moved that Mr. Hollis and Mr. Whitelocke might make a present answer to this paper, or charge, as some called it.

Mr. Hollis presently, in his place, made his answer to the matter of the paper, and therein unadvisedly and suddenly confessed more than he needed to have done: as, that a paper was given by us to the earl of Lindsey, and some other particulars; but denied any advice given by us what answer the king should make to the propositions, or any intelligence or correspondence by him with any of the king's party.

I was not in town this morning, and knew nothing of this business; but after Mr. Hollis had spoken, Mr. John L'Isle stood up, and acquainted the house that Mr. Whitelocke being then absent, if they pleased, he would undertake to give him notice to attend the house the next day: which was ordered.

But some were not satisfied therewith, and they fiercely moved, that this being a charge of high treason against two of their members, in whom the offence was greater than in others, that they would proceed with equal justice, and that

both Mr. Hollis and Mr. Whitelocke might be committed to the Tower; Mr. Hollis, who was present, to be sent thither, and a warrant to apprehend Mr. Whitelocke, and to carry him thither also.

Upon this, sir William Lewys stood up, and with as much vigour on the other side said, he could not but wonder at the justice of those who would commit a man to the Tower before he was heard, and the other after he had fully answered that which they called a charge.

That he could not admit it to be a charge, but a scandalous and libellous paper against two worthy members of the house, who, they all knew, had served the parliament faithfully, and to the utmost hazard of their lives and fortunes.

And because they had done so, and were so capable of doing further and more service to the parliament, therefore one of their enemies was come hither to cast a bone among them, and to raise differences amongst the members of parliament; a likely way, when their other designs failed them, to do mischief to the parliament.

He desired them to consider the person of him whom they called *the accuser*, who was indeed *an accuser of the brethren*, that it was the lord Savile, now clothed with a new title from the king of earl of Sussex, and perhaps this present service was to be part of that by which he was yet to merit his new title.

That still he was the same man who was first of the parliament party, then revolted from them to the king, and now was revolted from the king to the parliament again; and that a paper brought in from this person should be looked upon as a charge against two worthy members of their house, or be in the least a ground to commit them to the Tower, he could not sufficiently wonder at the reason or justice of such a motion as that was.

He rather thought it more reasonable and just, and accordingly moved, that this libel, this paper, might be thrown out of the house, and the contriver of it, the lord Savile, be under more strait custody, and examined who set him on to promote this business; and that Mr. Hollis and Mr. Whitelocke might not be put to the trouble of any further attendance about it.

This smart motion of sir William Lewys, so contrary to

the former, being spoken by him with great ingenuity and mettle, and seconded by sir Philip Stapleton and others of that party, so wrought upon the house, that the motion for commitment to the Tower was laid aside, and Mr. L'Isle ordered to give notice to Mr. Whitelocke that the house required his attendance there the next day.

Carlisle. Carlisle was surrendered to the parliament, and sir Thomas Glenham, the governor, and the garrison soldiers, had a convoy, by the articles of surrender, to Newark.

3. At a conference, the letters of the surrender of Carlisle were imparted to the lords, and agreed to send a committee to the common-council of London to acquaint them with some of the king's letters taken at Naseby.

A committee appointed to consider of the northern garrisons upon the borders of Scotland.

The king was at Ragland-castle to gather recruits, sir Thomas Fairfax was at Marlborough. The garrison of Taunton had often skirmishes with Goring's forces, and at one time took one hundred and twenty of their horse. The besiegers drew off most of their horse to their outguards.

Clubmen. Between four and five thousand clubmen being up in Dorsetshire and Wilts, carried themselves very tumultuously, and forced the parliament's quarters at Sturmister; divers slain and wounded on both sides; and they took sixty dragoon horses and arms from the parliament's forces; for restitution whereof colonel Massey sent a trumpeter to them, and they promised to make restitution the next day.

Letters sent from both houses to sir Thomas Fairfax and colonel Massey, to inform the clubmen of the parliament's intentions to relieve Taunton, and to require them to depart peaceably to their habitations, and that they should not be questioned for their rising; otherwise, to be taken as contemners of the parliament's authority, and to be fallen upon as enemies.

155 The king's letters taken at Naseby were read at the common-council, and observations upon them, and they were appointed to be kept in a place where any might peruse the originals for their satisfaction.

Naseby letters.

Scotland remonstrance. The kingdom of Scotland, sensible of the calamities of the three kingdoms in this civil war, drew up a remonstrance by way of summons to his majesty to come and join with them

in the solemn league and covenant; and this, being by consent of the general assembly of that kingdom, was sent to his majesty.

I attended the house all this morning, and nothing was said to me in public by reason of the other business. About twelve o'clock I acquainted the house that I received a letter from a worthy member of the house, signifying their pleasure that I should attend them, which I now did accordingly, and humbly desired to know what the business was.

Then it was moved by some that the letter and paper of the lord Savile might be read to me, others were for a time to be appointed two or three days after for this business.

I desired it might be the next day.

Upon my suit it was appointed for the next day, and that the paper and letters of the lord Savile should be then ready, and I to be heard to say what I thought fit to this business.

Priests. 4. The justices of peace not being informed of the order for Lusher the priest to be sent out of the kingdom proceeded in his trial, and he was convicted; but the commons ordered his reprieve; so was one White, another Romish priest.

Intercepted letters of the Portugal ambassador were ordered to be broke open by the committee of examinations, and notice thereof to be given to the agent, that, if he pleased, he might be present.

Fairfax. The lord Fairfax had the thanks of the house for his good service, and the same ordered to be entered into the journal of the house.

Sir Thomas Fairfax was on his march to Taunton, as far as Blandford, where he joined with Massey. Goring had drawn off his horse, but left his foot in the passages to block up Taunton.

The Scots army were at Birmingham marching towards Worcester, and in their way took about eighty of the Dudley horse.

About ten o'clock some friends of mine called upon the business appointed for the day, and the letter of the lord Savile, with the paper enclosed, was read in the house to to me; after which I stood up in my place, and made answer to it, by way of narrative, to this effect:

Mr. Speaker,

I am happy, since I must be under an accusation (which is no mean thing) in this honourable house, that this gentleman, my lord Savile, is my accuser; and more happy that you, to whom I have been so long a servant, and who know my ways so well, are to be my judges.

I shall say nothing concerning my lord Savile, because he is my accuser, but to the parts of his accusation I shall give you a short and true answer, with all ingenuity and submission to your great judgment.

His first part of the accusation is, *that I was a person well affected to the king;* but he gives no instances thereof, nor is it a crime to be well affected to my sovereign: we have all expressed the same in our covenant.

I could give some instances to the contrary effect, as, the plunder of my goods, seizing the profits of my lands, indicting my person of high treason for serving you, and giving away my inheritance to sir Charles Blunt, a papist; which are no great motives to an extraordinary affection, more than a subject is obliged, to his prince.

But if my lord Savile means by *well affected to the king* my being well affected to peace, I confess I am a passionate lover of a good peace, and seeker of it, and thereby have testified my affection both to king and parliament; and the longer our troubles continue, the more we shall all be of this opinion and affection.

Sir, I hope I may be thought capable to know my duty to my king, and to understand what protection I was to have from him, the mutual relations of both; and further I hold myself disobliged.

The second accusation is, *That I met at the earl of Lindsey's lodgings in Oxford, to advise about the king's answer to your propositions; and that I there did give advice to the king, contrary to the trust reposed in me by you.*

To this I answer, that when your commissioners came to Oxford, we consulted together what (among other things) was fit for us to do in point of civilities and visits whilst we were there; and it was agreed by us all, that we should not visit any that were excepted in your propositions, but that we might visit others who did visit or send visits to us.

The earl of Lindsey sent to visit Mr. Hollis and me with a compliment, that he was not well, else he would have come to visit us at our lodgings. And I having a particular relation and alliance to him, we went together to return a visit to his lordship, and told our fel-

low-commissioners of our intentions before we gave the visit, and they approved of it.

When we came to the earl's lodging, we found there the earl of Southampton, the lord Savile, and some others; but it was so far from an appointed meeting, that I knew not of their being there till I saw them in the chamber.

There was much discourse among us about your propositions, and they urged the unreasonableness of them; we affirmed the contrary, and vindicated your honour in them.

There was also discourse concerning the Scots commissioners, whom they affirmed to be averse to peace; we assured them that they were not, but willing to have a good peace.

There was likewise upon this occasion discourse of presbytery, and of the point of *jure divino:* we told them that the Scots were off from the rigid presbytery, and did not insist upon the point of *jure divino.*

They were then likewise discoursing of tumults, and of persons, and petitions brought to Westminster in a violent and disorderly manner: we did not speak of any violent independent party, nor any the words mentioned in the lord Savile's paper, nor that the propositions were unreasonable.

They indeed pressed much upon that argument, that they were unreasonable, particularly the propositions concerning religion and the militia: we told them, that unless the king would grant those propositions it would be in vain to treat of any peace.

There was also much discourse about the acknowledging you to be a parliament: the earl of Lindsey said, *that the king had acknowledged you a parliament by the words "lords and commons of parliament."*

We answered, *that this was the same style his majesty gave to the assembly at Oxford, and we could not be satisfied with that acknowledgment.* Then the earl of Lindsey demanded of us, how we would be acknowledged; we told him thus:

The lords and commons assembled in the parliament of England at 156
Westminster.

After this we returned to our lodgings, and acquainted our fellow-commissioners with the persons that were at the earl of Lindsey's chamber when we were there, and with the matter of our discourse with them.

In all our discourses Mr. Hollis and myself did justify your propositions and vindicate your proceedings.

Mr. Speaker, It is no small trouble to my thoughts, to have my name questioned in this house; but I am comforted in my own in-

tegrity and innocency, and in my accuser, but chiefly in my judges, to whom I most humbly and most willingly submit myself.

After I had spoken, there was much debate in the house, whether this paper of the lord Savile were an accusation or charge against us. Many gentlemen argued that it was against the privilege of the house to take it for an accusation, being from the lord Savile, who was an enemy come from the king's quarters, and one in contempt to both houses of parliament, for refusing to name the person from whom he received the letter concerning Mr. Hollis, and therefore committed a close prisoner.

That he had not discovered this to the parliament in five or six months together that he had been in their quarters, but after he had been complained of by Mr. Hollis about a letter, and Mr. Whitelocke was in the chair of the committee appointed to examine the business of that letter.

Then the lord Savile brought in a new accusation both against Mr. Hollis and Mr. Whitelocke the chairman, to take off his testimony for Mr. Hollis.

Others went upon this ground, that this business might be committed, to see if the lord Savile would avow his letter and paper, and by what testimony he could make it good, and that Mr. Hollis and Mr. Whitelocke might have reparation, and be cleared from this aspersion.

But these were not our friends, and moved this out of a design to bring the business before a committee to be examined, more than out of respect to us.

After a long debate, it was at last referred to a committee to be examined in the general, and power given to the committee to examine any member of the house, and a message sent to the lords, to desire that the lord Savile might be examined at this committee.

Those who were of a contrary party to the earl of Essex set their interest upon it to ruin Mr. Hollis, whom they found to be a great pillar of that party, and with him to ruin me, we being both involved in this business; but they had not the same envy against me as they had against Mr. Hollis, nor could they well sever us.

But now, having got it referred to a committee, they resolved there to put it home, and were full of expectation to destroy both of us, which was their intention.

5. A letter from the Portugal agent, and his carriage to the parliament, referred to a committee, and how the parliament might be vindicated therein.

Order, that the militia of London should put in execution the ordinance for searching for papists and delinquents.

Proposals from the governor of Windsor for supply of that garrison presented to the house from the common-council of London, referred to the committee of the army.

Sir Thomas Fairfax and colonel Massey marched from Blandford towards Taunton, their scouts and Goring's had some encounters, but Goring, understanding that sir Thomas Fairfax was advancing towards him, drew off all his horse and foot from before Taunton, and went towards Exeter. Taunton.

The lords sent a message to the house of commons in answer of theirs yesterday, that the lord Savile, if he pleased, might be examined from time to time at the committee, to whom the business of his letter was referred.

7. Divers of Westminster, in the name of the city, petitioned the house for maintenance for the lecturers in Westminster-abbey, out of the revenues belonging to the dean and chapter there.

Thereupon an ordinance was read and committed, for regulating the college of Westminster, and the petitioners called in and acquainted with the care of the house in their business, and had the thanks of the house.

Letters from scout-master-general Watson informed that the enemy was wholly drawn off from before Taunton.

An ordinance sent up to the lords for making Mr. Jackson lecturer at Gloucester, and 100*l.* per annum to be settled on him, and the house ordered colonel Morgan to be governor there.

An ordinance sent up to the lords for one per cent for the captives in Algiers.

The king's forces from Bolton-castle surprised Raby-castle, belonging to sir Henry Vane, but were again close blocked up by forces raised by sir George Vane.

The Scots army were on their march towards Worcester as far as Birmingham.

The marquis of Argyle was in pursuit of Montrose over the hills, and the parliament of Scotland being now sat, the parliament of England appointed the earl of Rutland, the Commissioners to Scotland.

lord Wharton, sir Henry Vane senior, sir William Ermine, Mr. Hatcher, and Mr. Goodwyn, to be their commissioners in Scotland.

The king with about four thousand horse and foot was at Hereford, to raise 5000*l.* assessment, and some recruits.

The committee of Salop took in Cause-castle, Hawarden-castle, and Lynsell-house, belonging to sir Richard Lucy, and sat down with their forces before High Arcall, the lord Newport's house.

In the afternoon Mr. Hollis and I attended the committee touching my lord Savile's accusation, where Mr. Samuel Brown had the chair, and was no friend to Mr. Hollis or to me in this business, but pressed matters against us more than a chairman was to do.

The lord Savile was brought into the committee, and his letter and paper read to him, which he owned as his, and his hand to them, and that he would justify them to be true upon his soul and his life.

Mr. Hollis and I averred the contrary, but with less passion and with less indiscretion than the lord Savile, who, being put to it by the committee, could not make any proof of one particular mentioned in his papers more than we ourselves acknowledged; which was the same in effect that we had said before in our narratives in the house.

Every particular clause in his papers was severally read, and he heard to them, and we to make our answers: but we both did it with this reservation, that what we did in this was out of our willingness to give any satisfaction we could to the committee, or to any particular gentleman; but we hoped that we should not be examined upon this, as a charge
157 against us, which was not allowed to be so by the house. Which after some debate seemed to be admitted, and that in general we should be heard in this business by the committee, which we ourselves freely offered.

The lord Savile insisted upon a letter from Mr. Hollis to the duke of Richmond in a correspondence with his grace, but that did not touch me, nor did he prove by the letter a correspondence by Mr. Hollis, but by some circumstances raised jealousies of it in some of their minds who were not friends.

Nor could his lordship prove any thing of his information,

that we distinguished the parties among us in the parliament into the presbyterian and the independent parties; the earl of Essex and the Scots as the heads of the presbyterians, and the other party, being the independent party, to be averse to peace; but the earl of Essex and his party (of which Mr. Hollis and I were) to be the friends to peace; which words were denied by us.

The committee adjourned to the next day, and nothing was further done at this meeting.

8. An ordinance for regulating the university of Cambridge, read the first and second time.

Order for money for the lord Fairfax's forces, and for the other northern forces of that association.

An ordinance sent to the lords for levying 12,000*l.* in the eastern association.

Upon letters from general Leven care was taken for money for his army.

Order for two thousand pair of shoes and two thousand pair of stockings for sir Thomas Fairfax's footsoldiers.

A soldier of sir Thomas Fairfax was hanged for running away from his colours, and a dragooner hanged for robbing a countryman upon the highway: some few of his men staying behind at a fair were surprised by the king's forces from the Devizes.

Agents came from the clubmen in Dorsetshire to sir Thomas Fairfax, desiring his pass for their commissioners to go to the king, and others to the parliament, with their proposals for a new treaty of peace, and for a cessation of arms in the mean time; and for the towns and garrisons of Dorsetshire and Wiltshire in the mean time to be put in their hands. Clubmen.

To this sir Thomas Fairfax gave an answer in writing, that he could not allow of their demands, nor be an instrument to convey them to the parliament; because by the cessation of arms, and the garrisons to be put into their hands, the parliament should be disabled to carry on the war in their own defence, until a firm peace might be settled, which he and his army desired as much as any, and was the end of this war. Fairfax.

That he would undertake that the army under his command should not injure the country, whereof they already

had some experience; and thus he dismissed the clubmen's agents.

The governor of Lyme had an encounter with some of them, and killed about fifty of them, led by one of Goring's officers.

Fleetwood. Colonel Fleetwood, with a party of two thousand horse and dragoons, was sent to follow the rear of Goring, whose forces hastened away, and they took only about ten prisoners.

Sir Charles Lucas, with a party from Barkley-castle, fell upon the quarters of some of the parliament's forces, who received them, and routed the whole party, killed sixteen, wounded many, took thirty-eight prisoners.

Hollis and Whitelocke. In the afternoon, Hollis and I attended the committee for the lord Savile's business, which was very full: and many were there to promote the design of ruining us; and to preserve us, there were Mr. recorder Glyn, sir Philip Stapleton, sir William Lewys, and many other noble gentlemen, constantly attending upon this great committee.

The lord Savile was again brought in to the committee, and, as before, he justified the paper; and that in the king's answer to the propositions there were divers expressions and words the same with those in the paper which Mr. Hollis and Mr. Whitelocke did give to the earl of Lindsey at Oxford.

Being again shewed his paper, and demanded by the committee to say in particular what were the same words he intended, he desired to see the king's answer; which was delivered to him; and he, comparing our paper and the king's answer together, observed several expressions and words in our paper to be the same with expressions and words in the king's paper, and did particularly set forth which they were.

Mr. Recorder asked, if it were proved that Mr. Hollis and Mr. Whitelocke did give in a paper at Oxford which had in it those words and expressions which the lord Savile noted to be in the king's answer. That he had not heard any such thing proved; and then he thought the observations of the lord Savile upon the king's answer to be to little purpose.

Others desired to know how the lord Savile, being in those secret councils at Oxford, should become so well affected as he pretended himself to be to the parliament.

He answered, that he was impeached at Oxford for some-

thing that he spoke at those meetings with Mr. Hollis and Mr. Whitelocke, and that they met more than once at the earl of Lindsey's chamber. To which we made no answer.

Then the lord Savile desired that Mr. Hollis would produce a letter which he brought to him from the duke of Richmond from Oxford, by which he believed much of this business would appear. But it was returned upon the lord Savile, that even then, when he came into the parliament, he confessed he was employed to bring letters and a correspondence from the parliament's enemies to this place.

Mr. Hollis said little to this letter, and I suppose (and partly know) that such a letter was delivered to him by the lord Savile from the duke of Richmond.

Mr. Gordon at this committee acknowledgeth that the letter and paper was brought to him by the lady Temple, who was the messenger and agent of the lord Savile; and that the lord Say was acquainted with it before the letter was delivered; and that sir Nathaniel Barnadiston and sir Henry Vane junior were likewise acquainted with it, and wished him to offer the letter.

That he said the house would be in a grand committee, and then he could not offer the letter. They replied, that they would call the speaker to the chair purposely to receive the letter.

That none but these knew Mr. Hollis and Mr. Whitelocke to be the persons charged with having intelligence with the king's party; but only he told others in the general, that he had an impeachment to deliver against two members of the house, but did not name them to any others.

9. Order for a letter of thanks to Coventry, for sending plenty of provisions to sir Thomas Fairfax's army.

Much time was spent about ordinances for raising money for the Scots army.

10. The sheriffs and divers of the militia of London, and of the adjacent counties, came to the house with a petition and proposals to the house, for raising of five hundred horse, and money to pay them out of delinquents' estates; for the which the house gave them thanks, and ordered a committee to treat further with them upon these proposals. London. 158

Debate about supplies for Ireland, and particularly for the province of Munster, referred to the committee of lords

and commons for Ireland; and to the committee of accounts to state the former charges for that kingdom.

Hollis and Whitelocke.

The committee for the lord Savile's business sat again this afternoon, and Mr. Hollis and I offered to make a narrative to the committee for their satisfaction, and to answer any questions which should be asked of us by any of the committee.

Then Mr. Browne the chairman moved the committee, whether it were not fit, that as Mr. Hollis and Mr. Whitelocke were present when the lord Savile was heard, so now the lord Savile should be present when Mr. Hollis and Mr. Whitelocke made their narrative.

This held not much debate, it being judged by most of the gentlemen there present, to be improper and unfit, and moved by the chairman in too much favour to the lord Savile.

It was then taken into debate, whether Mr. Hollis and Mr. Whitelocke should be heard speak by way of narrative, or whether they should be examined as to a charge; and it was overruled that they should be heard by way of narrative.

Then sir Peter Wentworth moved, that whilst the one of us was making our narrative, the other might withdraw; and that we should not both be present together to hear what one another affirmed or denied. But this was not regarded.

Mr. Hollis began first, and made his narrative, and after he had done, I spake, and both our narratives were the same in effect with what we had spoken before in the house, and we denied some of my lord Savile's informations which were not true; and he had no proof but his own honour (which was not in much esteem) of most of them.

11. Debate of the desire of the Scots army to have commissioners of the parliament to reside with them; which was agreed: and a message sent to the lords to name those of their house who should be of this committee.

Debate about the ordinance for sale of delinquents' estates.

Order for the committee of the navy to send two barks to Weymouth for the safety of the fishermen in those parts, whom the clubmen had injured.

The committee for the lord Savile's business sat not this day.

Some friends who sounded the solicitor St. John, and the

other great men of this committee, told me that they found them not so sharp against me as against Mr. Hollis, whom they were resolved to ruin if they could: but I being so much involved in this business with him, they could not separate us, but either both or neither must be ruined.

We prepared accordingly for our defence, and although many private messages were sent to me (and private conferences with me) that if I would desert Mr. Hollis, and discover what I could say against him, that I should not only be preserved, but be rewarded and preferred, yet they could not prevail with me to confess any thing against Mr. Hollis, or the trust of friendship wherein I myself engaged.

12. Debate of the ordinance for sale of delinquents' estates.

An ordinance read for raising one thousand horse and five hundred dragoons, and money for them, in associated counties.

Martial law.

The committee of Kent, who had power of martial law, gave judgment of death against thirty who were in the late insurrection there, yet ordered that they should throw the dice for their lives, and but four of them to be executed: only two, who refused to throw the dice, were ordered to be executed.

The house sat in the afternoon, and a messenger brought them this relation from sir Thomas Fairfax's army:

Fairfax. Langport fight.

That Goring with his whole army being quartered at Langport, expecting more forces from the king to join with him, sir Thomas Fairfax, having notice thereof, called a council of war, whose result was, to give battle to the enemy, if they could force them to it.

Goring.

That accordingly they advanced in several bodies: lieutenant-general Massey with his brigade of four thousand horse, and about seven or eight foot regiments, advanced in the rear of Goring's army, fell on a party of them, took many colours, about two hundred prisoners, and more horse, but few in this service were slain.

Sir Thomas Fairfax by that time was advanced near Goring's head quarters at Langport; not knowing of Massey's engagement, was quartered on the other side of the river.

July 10, sir Thomas Fairfax very early drew out with seven regiments of horse and most part of his foot into the field near Sutton. Goring perceiving this, possessed himself

of a pass which lay between sir Thomas Fairfax and Massey, and hindered the conjunction of their forces; not above four abreast being able to march through the lane, in which the enemy had lined the hedges with musketeers.

By this they intended to bring off their ordnance and carriages, and to make an honourable retreat to Bridgewater: but upon the firing of sir Thomas Fairfax's foot, they beat off Goring's foot from the hedges, whereby Fairfax's horse might advance.

Bethel. Major Bethel with a single troop entered the passage, the rest of the horse following him, and gallantly charged the whole body of Goring's horse, who were in the lane, and as gallantly received him; but he routed their first party, then their reserve, and so retreated to the body.

Desborough. After this, colonel Desborough with about three hundred horse of sir Thomas Fairfax's regiment charged Goring's horse, and after a short but hot engagement, wherein both parties did very gallantly, Goring's horse were routed and put to flight, and pursued almost to Bridgewater.

There were about four hundred slain on both sides, two thousand prisoners taken by sir Thomas Fairfax, one thousand two hundred horse, and about forty colours; four thousand arms, two pieces of ordnance, six carriages with ammunition, major-general Porter next in command to Goring, and with him one hundred officers were taken.

Major-general Porter.

After this good news, they went in the better humour to the committee of the lord Savile, where Mr. Hollis and I had procured the earl of Denbigh to come, and desired that he (being one of the commissioners with us at Oxford) would be pleased to declare his knowledge concerning the matters in question before the committee.

Hollis and Whitelocke.

Earl of Denbigh. The earl of Denbigh then told the committee, that he was desired by us to be there, and had leave of the house of peers to be at this committee, and would acquaint them upon his honour with the truth of what he knew in this business.

He told them that he did well remember that at their first coming to Oxford, there was care taken by them for their carriage and discourse there, that they were so punctual that he read the propositions beforehand, that there might be no mistaking.

159 That it was resolved, as a thing of ceremony and respect

that they should make visits, but not to any of those who were excepted persons; and to refuse them, being in the enemy's quarters, they thought not fit.

That they agreed, that by way of discourse they should endeavour all they could that the propositions might be granted in general, that the king should allow them the title of parliament; next, the government and settlement of the church; and lastly, the militia.

That they did agree that in all their discourses this should be the subject matter; and that they should press the obtaining of them.

That Mr. Hollis and Mr. Whitelocke did acquaint the committee that they had an intention to visit the earl of Lindsey, and he thinks the earl of Southampton; and very suddenly after they did acquaint them that they had been there, and of a long discourse which they had together.

That to say particularly what the discourse was, he could not charge his memory, but in general it was the discourse that passed at that meeting.

That he remembers but one visit they spake of, and it was a part of their agreement to acquaint one another with all the circumstances of their visits: that the earl of Lindsey and the earl of Southampton, and he thinks the lord Savile, were named by Mr. Hollis and Mr. Whitelocke, to have been at that meeting.

That he was told by them, among other things, that they had little hopes that they should have satisfaction in their desires.

That he doth not remember any mention of a paper given in by them to the earl of Lindsey.

That the intelligence they had there was various; some had hopes of a good issue of the business, others had not: that Mr. Pierpoint had ill relations of the commissioners to their disparagement: and at the conference with Mr. Hollis and Mr. Whitelocke there were very ill characters given of them.

He desired that nothing might be taken as positive from him concerning persons.

After the earl of Denbigh, the lord Wenman told the committee, that there was an agreement among the commissioners of the parliament at Oxford, as the earl of Denbigh

had related it, to pay civilities and visits to those that were civil to them, but not to any who were excepted in the propositions from pardon.

That he remembers not whether they did agree to press the granting of the propositions any of them more than the others, only, by discourse among themselves, that they should press those that were of most difficulty to be granted.

That they were acquainted by Mr. Hollis and Mr. Whitelocke with their visiting of the earl of Lindsey. That to his best remembrance they said the earl of Southampton and the lord Savile were there, and mentioned the particulars of their discourse, but he did not remember them; nor that they acquainted them with any hopes they had of having the propositions granted.

He remembered that Mr. Hollis said a little before their coming out of town, that he had a paper again, which he spake publicly.

That in their discourse they did insist principally (and they found it was thought fit to do so) upon the propositions concerning religion and the militia, and he did think that the earl of Lindsey was spoken of when Mr. Hollis said that he had a paper again.

That he and Mr. Whitelocke were coming by All Souls college, and he intended to visit sir Thomas Aylesbury, but hearing that sir Edward Hyde was there, who was a person excepted, Mr. Whitelocke did forbear to go in thither.

Others of the commissioners, who were at Oxford with the propositions, did declare themselves to the same effect that the earl of Denbigh and the lord Wenman had done, and so the committee rose.

Blasphemy. 14. The assembly presented to the house a book which they had examined, full of blasphemies and heresies, but that since the printing of it the author was dead, and they desired the house would put some public example of justice upon it.

The house referred to the committee of examinations to find out the printer of this book, to be proceeded against according to justice, and ordered that all the books should be brought in by the booksellers, and be burnt by the hangman, and they gave thanks to the assembly for their care in this business.

A list was sent to the parliament of the persons slain and taken by sir Thomas Fairfax at the battle of Langport: of Goring's part, two quarter-masters general, sixty other officers, and two hundred soldiers slain, and one hundred drowned; Goring, sir Thomas Aston, and others wounded. Langport particulars.

Prisoners taken, the lieutenant-general of their ordnance, three colonels, forty other officers, and one thousand nine hundred soldiers, and two thousand horse; thirty-one cornets of horse, twenty colours of foot, four thousand arms, two fieldpieces, and three loads of ammunition.

Of sir Thomas Fairfax's part were slain, two reformado captains, a captain-lieutenant, and about fifty soldiers; colonel Cooke, major Bethel, and about sixteen of his troop wounded.

A day of thanksgiving ordered to be kept for the victory at Langport, and the ministers desired *to remember the goodness of God in preserving this city from the plague.* Thanksgiving.

A collection ordered to be on that day for the poor plundered people of the west.

Sir William Ermine and Mr. Berwis, two members of the house, who had been commissioners in the north, had the thanks of the house for their good service there.

Major-general Poyntz met with a party of the king's from Sandall-castle, killed three of them, and took sixteen of them prisoners.

The Scots commissioners here gave notice to Mr. Hollis and me by our friends, that they had certain intercepted papers and letters of the lord Savile's, which he was sending to Oxford; and the chief scope and end of them was to be informed from thence whether Mr. Hollis or Mr. Whitelocke kept intelligence with the duke of Richmond, the earl of Lindsey, or any others of the king's party, that he might have the more whereof to accuse us here. Hollis and Whitelocke.

It was thought fit by our friends that the Scots commissioners should be desired to acquaint the house of commons with the papers; upon which it should be moved there, to refer them to the committee for the lord Savile's business; and the same was done accordingly.

This afternoon that committee met, and these papers were brought unto them by the lord Wareston and another of the Scots commissioners, with a compliment expressing their de-

sire to serve the parliament in any thing within their knowledge and power.

The papers being read to the effect before mentioned, the lord Savile was called in, and the papers shewed to him, and he owned them to be his hand.

160 Being asked what warrant he had to hold intelligence with the king's party at Oxford, he being now within the parliament's quarters, and come in to them;

He answered, that he was authorized to do this by the sub-committee for private and secret intelligence for the committee of both kingdoms.

Being again asked, who of that sub-committee by name did know of this his design, and did authorize him to send to Oxford about it; he answered, that the lord Say was from time to time acquainted with this business, and did encourage and authorize him to send to Oxford about it, and that he sent several times by Mr. Howard to Oxford; with much to the same effect.

By this, our friends found the bottom of this design against us to be from the advice if not contrivance of the lord Say: and the lady Temple, a busy woman, and great politician in her own opinion, was made use of by the lord Say, to whom she was allied, and by the lord Savile, to be an agent in this matter.

The design and endeavour also against us was by these papers and examinations made the more apparent, which took off the edge of divers gentlemen, who thought this prosecution not ingenious nor handsome against us.

Our friends made good use of it, both at the committee and afterwards in the house, and carried it by vote to have these particulars, with the rest of the examinations, reported to the parliament.

15. A message from the lords to the commons about removal of the lord Powis a prisoner to London, and for an allowance for him.

An ordinance committed for empowering the militia of London to raise horse and dragoons for the counties of Berks, Bucks, and Oxon.

Major Harrison sent from sir Thomas Fairfax to the parliament, gave them a particular and large account of the

battle of Langport: the commons gave 200*l.* to major Bethel as a gratuity for his service there, and ordered two good horses for major Harrison, and a letter of hearty thanks to sir Thomas Fairfax. Langport.

Petition from Hertfordshire of their grievances referred.

Sir Thomas Fairfax summoned Bridgewater; but the governor, colonel Windham, gave a resolute denial, whereupon sir Thomas Fairfax prepared to storm.

About eight hundred of the prisoners taken at Langport fight took the covenant, and entered into the parliament's service.

Sir Thomas Fairfax went to a rendezvous of the clubmen, about two thousand of them, and propounded that they should not supply Bridgewater; that what his army had of them should be paid for, and no wrong done to any of them by any of his forces; but upon complaint against any officer or soldier under his command, that right should be done. Clubmen.

16. Major-general Skippon brought to London.

Business of the church debated in a grand committee, and about instructions for the commissioners to be sent to reside in the Scots army.

Referred to the committee of both houses for Ireland, to take care for sending thither those prisoners who were willing to fight against the Irish rebels, and for the supplies for Munster; but those prisoners who had formerly served the parliament, or were mere Irish, were committed to close custody, to be proceeded against according to justice.

An ordinance sent up to the lords for making one Mr. Reynolds deputy clerk of the hanaper with the salary of 50*l.* per annum, and the profits of the place to go to the use of the public.

The king was in Wales; some parliament ships came into King's Road to block up Bristol.

The Scots had some loss by the forces of Montrose at Dundee.

17. The ordinance for the clerk of the hanaper, and for forces for Oxon, Bucks, and Berks sent to the lords.

Care for the charge of the funeral of the countess of Dorset. Countess of Dorset.

Sir Thomas Fairfax took in Borrowes, a fort of the king's, four miles from Bridgewater, in which were one hundred and

forty men, of whom eighty took the covenant to serve the parliament, and the rest of them marched away.

The report was made to the house about the lord Savile's business, and it was moved that there might be a further examination of Mr. Hollis and Mr. Whitelocke in the house; and that any member might have liberty to ask them what questions they pleased, which the house ordered, and that we should be severally examined, and to begin with Mr. Hollis.

Hollis and Whitelocke.

I sat still in my place, and it was moved that I might be ordered to withdraw whilst Mr. Hollis was in examination, but that was opposed, as contrary to the privilege of the house; that there being no legal charge against us, we ought to have the same liberty and freedom of sitting in the house as the other members had, and neither of us to be ordered to withdraw.

Privilege.

After much debate upon this point, it was brought to the question, whether Mr. Whitelocke should be ordered to withdraw whilst Mr. Hollis was under the examination of the house, and it was carried in the negative, that I should not withdraw.

This question being passed, I stood up, and told the speaker, that since the house had done me that justice and favour, and themselves that right, in the consequence thereof, yet now, to manifest the confidence I had in my own innocency, and that I sought no advantages for my own vindication in this business, I should of myself, with their leave, withdraw whilst the house should be in the examination of Mr. Hollis.

Then I did withdraw, and went up to the committee chamber, at which the house seemed to give a good approbation.

Mr. Hollis was almost two hours under examination in the house, there being some particulars urged against him which were not against me, particularly in the matter of intelligence and correspondence with the king's party.

The questions and matters upon which he was examined were in effect but the same which had been formerly mentioned in the house and at the committee, to which he answered fully and prudently, and with great courage; and when they had sifted the business as much as they could with him, they gave him over, and sent for me down out of the committee chamber to be examined.

I came unto the house, and then Mr. Hollis withdrew of himself into the committee chamber, whilst I was under examination.

A multitude of questions were demanded of me, insomuch as one gentleman, sir Peter Wentworth, asked me above thirty questions only for his part.

The matters demanded of me were but the same in effect that had been mentioned formerly, and what I answered did 161
agree punctually with what Mr. Hollis had said before.

It is a very solemn thing to be examined by a house of commons, where there are so many wits, and so much odds and advantage to be taken against one single man, and that in a business of high treason, where honour, fortune, and life are at stake.

The house sat upon this business till seven o'clock at night; the earl of Essex's party and all our friends putting forth the utmost of their power and interest to rescue us from the malice and danger we were now under.

And the other party of the house as earnestly labouring to be rid of us both; either by cutting off our heads, or at least by expelling of us from being any more members of parliament.

They were so eager upon it, that they ordered to resume the debate of this business the next morning.

18. The lords sent their concurring to the ordinance for commissioners to reside in the Scots army; and to some small amendments made by their lordships the commons assented, and the commissioners were required to repair with all convenient speed to the Scots army in England.

Power given to the northern committee to sequester malignant ministers.

The house proceeded upon the report of the lord Savile's business, and passed a vote that the same was ripe for judgment, and ordered that they would proceed to judgment thereupon to-morrow morning.

They likewise ordered that the business concerning Mr. Cranford, a minister of the city, in relation to several members of the house, should be reported to the house, and proceeded in with the lord Savile's business to-morrow morning.

19. An order for charging the ordinance for sale of delinquents' estates with 1000*l.* for Manchester garrison.

Fairfax. Sir Thomas Fairfax sat down before Bridgewater; he went the second time to the clubmen, and offered them so fair conditions, that most of them departed to their habitations, and many of them came into the leaguer to serve the parliament; the chief gunner in Bridgewater revolted from them, and came to sir Thomas Fairfax.

The house fell upon the business of Mr. Cranford, and voted, that the words spoken and reported by him against some members of the house of commons and of the committee of both kingdoms, that they kept intelligence with the king's party and were false to the parliament, were false and scandalous.

Mr. Cranford. That Mr. Cranford, at a full exchange in London, and at Westminster, should confess the wrong he had done them in so scandalizing of them.

That he should pay 500*l.* to each of those four members for their damages.

That he should be committed to the Tower during the pleasure of the house.

Then the house proceeded in the lord Savile's business, and, after a long debate, upon the result passed a vote,

Hollis and Whitelock. That Mr. Hollis was not guilty of holding intelligence with the enemy, as was pretended, and they did fully acquit him thereof.

This gave good encouragement to Mr. Hollis and me, and to all our friends, who would fain have brought on the rest of this business, but that it was almost nine o'clock at night, and therefore too late to proceed further in it this day.

The other party, our adversaries, would have declined any further proceedings of the house in this business at this time, hoping in time to get some further evidence against us, and then to revive it, and doubting, as the present constitution of the house was, that Mr. Hollis and I might be acquitted.

We pressed the more earnestly to bring the business to a final determination whilst our friends were in town, and the house fully possessed of the business, and in so good a constitution and humour for us, and we desired not to continue under a cloud and the various discourses of people, not to be kept lingering, but to know our doom, either of condemnation or acquittal.

Our friends at last, with much earnestness, and against great opposition and debate, carried it by vote, to have it ordered that the lord Savile's business should be resumed on Monday morning.

21. The house of commons, according to their order, resumed the debate of the lord Savile's business, and after a long and warm discussing of all the particulars, and arguments relating to it, they at length upon the question passed a vote to this effect:

That it not appearing that Mr. Hollis and Mr. Whitelocke had done any disservice in their proceedings at Oxford, that therefore the remainder and whole matter of this report should be laid aside, and not to be further proceeded in.

And that the said Mr. Hollis and Mr. Whitelocke should have liberty to prosecute (if they please) the lord Savile, now prisoner in the Tower, for damages.

I absented myself from the house when they came to give their judgment.

It was observed, that generally the gentlemen of best interest and quality in the house were all for the acquittal of us, and that it had scarcely been seen before in any other business, that this holding so many days together, yet even the gallants who used, whatever business was in agitation, to go forth to dinner, and to some other of their refreshments, yet they attended constantly all the time that this business was in debate, and would not stir from it.

The house proceeded in other businesses, and ordered an ordinance to be drawn for execution of martial law within the lines of communication. Martial law.

An ordinance read to give colonel Rosseter command of the forces in Lincolnshire, and power to execute martial law.

An ordinance passed the commons for moneys for provisions of stores.

The ordinance passed for commissioners to go to the parliament of Scotland.

A petition from some of Cheshire, desiring assistance for the taking in of West-Chester: the petitioners had thanks for their good affections, and the business was referred to the committee of both kingdoms.

Letters from sir Thomas Fairfax informed, that they had Sir Thomas Fairfax.

besieged Bridgewater, which was strongly fortified, having about thirty pieces of ordnance, and deep trenches.

That the governor and his son, sir Hugh Windham, sir John Digby, sir Francis Courtney, Mr. Elliot, that carried the great seal to Oxford, and divers others of quality, were within the town.

That two of the parliament's ships about Holmes had taken sixteen Welsh barks, which were to transport soldiers.

Clubmen. That the clubmen had beaten back about six hundred Welsh and Irish, that would have landed; that they had taken several vessels laden with corn and cloth.

162 That G. Goring with Greenville were come to Barnstable, with about five thousand horse and foot.

That prince Charles, the lord Hopton, and lord Wentworth were gone to raise the country in Cornwall, and probably would raise the siege before Plymouth.

A party of the king's forces from Newark, having laid their design, surprised Welbeck-house, betrayed to them by some of the parliament's forces there.

Thanksgiving. 22. The day of public thanksgiving for the success at Lamport.

In the afternoon divers crucifixes, popish pictures, and books were burnt in Cheapside, where the cross formerly stood.

An ordinance sent to the lords for applying the hospital rents in Northampton to the maintenance of the soldiers and poor there.

A message from the lords desired the consent of the commons to a petition of the lord Savile, that certain jewels of his taken from him might be given to the usher of the black rod, who had been at great charges for him, to which no answer was given by the commons.

Order for a sequestered house for major-general Langhern's wife, upon a petition of divers citizens of London, on the behalf of alderman Fouke, committed to the Fleet by the committee of accounts; ordered that he should be bailed, and his business referred to another committee.

Referred to a committee to send for such officers of sir Thomas Fairfax's army as were seen in town, and to examine the cause of their stay here, and that they might be proceeded against according to their demerits.

Conference about the instructions for the commissioners who are to reside in the Scots army.

Letters from sir Thomas Fairfax signified, that they had by storm gained the north part of Bridgewater, five hundred prisoners and one piece of ordnance, with the loss of twenty men. Fairfax.

24. Letters informed the surrender of Pomfret-castle upon articles, which were the more favourable by reason the plague was hot in Pomfret town: there were left in the castle for the parliament eight pieces of ordnance, store of arms and ammunition.

The house appointed sir Thomas Fairfax to be governor of that castle: the lords sent to the commons that colonel Pointz might be governor of that castle, which he took in, but being informed that before their message the commons had voted that command for sir Thomas Fairfax, the lords agreed thereunto.

News was brought to the house of the taking the rest of Bridgewater. The house ordered, that the ministers in the several parishes in London should, the next Lord's-day, render thanks to God for the surrender of Pomfret and taking of Bridgewater. Pomfret.

Sir Rowland Egerton, who brought the news of the surrender of Pomfret, was called into the house, and had their thanks given him, and 20*l.* was ordered to the messenger who brought the letters of the taking of Bridgewater.

An order sent to the lords for the charging of 5000*l.* more upon the excise for the reducing of Oxford, Winchester, Wallingford, and Basing-house.

A petition of the inhabitants of Jersey for their security and relief referred to the committee of the navy.

25. Letters from colonel Massey, and from Mr. Rushworth, secretary to sir Thomas Fairfax, certified the particulars of the taking of Bridgewater.

The general being informed that they within the town had store of victuals, and that it would be a long work to continue the siege of it, he again moved to storm it, which was unanimously assented unto; and the Lord's-day before, Mr. Peters and Mr. Boles, in their sermons, encouraged the soldiers to the work. Bridgewater stormed.

About seven at night, the foot being drawn out, and those

that commanded the storm and forlorn, Mr. Peters, in the field, gave them an exhortation to do their duties.

July 21, about two o'clock, the general's regiment began the storm, seconded by others, and gave not over till they were at the top of the works with their colours, and gained the pieces that played upon them, and let down the bridge.

Whereupon captain Reynolds, a valiant young gentleman, entered with a forlorn hope of horse, scoured the streets, and beat them out of the hither town into the further, and the pikes stood bravely to the horse.

This perplexed the enemy, and the assailants brought away with them five hundred prisoners; the enemy, for fear, left all the line on the other side, where colonel Massey was to storm; but there wanting some preparations, he only gave them a hot alarm on that side.

That they lost but twenty men, although in likelihood they might have lost a thousand in the storm, and not one officer of note slain, though many of them led on their men in person, as lieutenant-colonel Jackson, colonel Hewson, and others.

The enemy was so far from yielding, that with granadoes and other things they fired that part of the town where the parliament's forces were, not leaving three houses there standing; which so exasperated sir Thomas Fairfax and his men, that he sent in the evening another summons to them by a trumpet.

But they within peremptorily refused to treat, whereupon the general commanded the town to be stormed on colonel Massey's side the next morning.

July 22, at the dawning of the day, the general in person gave order for the forces on this side to give a fierce alarm, with great and small shot, whilst they on the other side fell on, which was done with great resolution, and probably they might have gained the town had not the tide come up.

They on the other side again failing to fall on, only gave an alarm, something being wanting for the storm; but this hot alarm working nothing upon them, sir Thomas Fairfax was so enraged, that he sent a trumpet to the governor, to let all the women and children come forth of the town by four o'clock in the afternoon.

Accordingly, the governor's lady, the lady Hawley, Mrs.

Marre, and divers others, came forth, and then sir Thomas Fairfax with great guns, mortar-pieces, fire-balls, hot irons, &c., played against the town, and fired it in three places; the wind being great increased the fire, and the huge flame so terrified them, that Mr. Elliot came running out to sir Thomas Fairfax for a parley.

He answered, that the governor refused it the last night, and now that he had brought this misery upon himself, sir Thomas Fairfax would not admit of a treaty, yet, if he would submit to mercy, he should have it. In the mean time, till Mr. Elliot returned a speedy and positive answer, sir Thomas Fairfax told him, that if any soldier in the town offered to take off a slate on the house, or to quench the fire, (and his 163
soldiers cried,) the cessation should be void, and they would then take all advantages.

This so amazed them in the town, that instantly they came out and cried, *Mercy for the Lord's sake!* So it was agreed, and they had quarter for their lives, and liberty to save the town.

There were left for the parliament forty pieces of ordnance, Particulars.
four thousand weight of match, powder proportionable, victuals for two thousand soldiers for four months, one thousand prisoners now taken, besides the five hundred the other day.

Reformados, commanders, gentlemen, and priests, about two hundred, treasure in plate, jewels, &c., said to be worth 100,000*l.*: the works of the town were as strong as any in England, the moat deep, yet the parliament's soldiers waded through, and thirty foot in the breadth of it.

Ordered, that a considerable sum of money should be sent to sir Thomas Fairfax, to dispose for rewards to such of his officers as had gallantly demeaned themselves in this action.

They ordered also, that it should be proclaimed by beat of drum and sound of trumpet, that such officers of sir Thomas Fairfax's army as were now in town for recruits should forthwith repair to Reading to receive recruits, and to march away with them, and order was taken for the recruits to be ready.

An ordinance passed for charging upon the excise 500*l.* for the prisoners taken at Naseby, who were willing to serve the parliament against the Irish rebels.

The commons by message put the lords in mind of an im- Impeach-
peachment against the earl of Stamford, formerly presented ment.

to their lordships, and now they desire a time may be appointed for proceedings to be had therein; to which the lords said, they would send an answer by messengers of their own.

After the taking of Bridgewater, sir Thomas Fairfax sent Colonel Whaley, Colonel Fincher, sir Robert Pye, and colonel Sheffield, with a commanded party of horse, towards Reading, to convoy the recruits to his army, who in their march by Sherborne fell upon the regiment of colonel Antell, a doctor of divinity, whom they took prisoner, with other officers, forty troopers, and one hundred and fifty horse.

26. The house, turned into a grand committee, debated the ordinance for sale of delinquents' estates.

They voted colonel Birch to be governor of Bridgewater: he was approved of by sir Thomas Fairfax, and the lords' consent was desired.

H. Peters. Mr. Peters, who brought up the letters from sir Thomas Fairfax, was called into the house, and made a large relation of the particular passages in the taking of Bridgewater: he also produced several commissions in characters, which the house referred to a committee to be deciphered, and gave 100*l.* to Mr. Peters for his unwearied services, and sent a letter of thanks to sir Thomas Fairfax for all his great services, and particularly for this of Bridgewater.

Order for sir John Hewet to pay 2000*l.*, being the fine for his delinquency, by a day, or else his lands to be sold.

Abington. Letters from Abington informed that about fifty horse from Oxford faced Abington, and began to drive away the poor inhabitants' cattle; that a small part of Abington horse drew out immediately, charged, and routed the Oxford party, who, though they had their reserves to retreat unto, yet were so amazed that they ran the contrary way.

The Abington horse pursued and charged them within half a mile of Wallingford, took twenty horse, fifteen prisoners, some officers, and but one of the Abington men wounded.

That they used frequently to march to the walls of Wallingford and Oxford, and take some of their men prisoners.

That they in Oxford are in fear of a siege, and cut down the trees and hedges within half a mile of the town, and fired North Hinksey.

That in Abington they have two hundred prisoners of the

enemy, but they have none to exchange for them. That the sickness increaseth much at Abington, one hundred houses there shut up, and the soldiers lie without the town in huts.

Letters came of the surrender of Scarborough-castle: twenty witches in Norfolk were executed.

28. Letters from the lord Inchequin certify the necessities of Youghall, besieged by the rebels, and pray supplies from the parliament.

The house took care for money and provisions to be sent to Ireland, and ordered an ordinance to be brought in for executing the Irish rebels and mutineers by martial law.

The prince elector's committee was brought to the quorum of five, that they might meet the oftener. Prince elector.

Order for the committee of both kingdoms to take care to keep in the forces of Newark, who did much damage to the adjacent counties.

A collection ordered for the losses of those of Leicester.

Letters informed the surrender of Scarborough-castle to colonel sir Matthew Boynton, with the articles of surrender, and that there were taken thirty-seven pieces of ordnance, one thousand arms, and great store of ammunition and plunder. Scarborough.

It was further certified that Raby-castle was surrendered to the parliament's forces, and that those of Skipton, fearing a siege, sent their horse to Newark, but a troop of colonel Bright's met with a party of them, killed divers, took sir Charles Howard of Naworth, some officers, and twenty other prisoners.

29. Letters from the Scots army certified the taking of Cannon Froome, a garrison of the king's between Worcester and Hereford, by assault, about seventy of the garrison slain, but eight of the Scots, and twenty hurt; the governor, colonel Barnold, taken prisoner and wounded, several other officers, and thirty soldiers, prisoners. Cannon Froome.

The house of commons ordered a letter of thanks to be written to general Leven, and a jewel of 500*l.* to be provided by Mr. Allen, a goldsmith, one of their members, to be presented to general Leven, as a badge of the favour of both houses to him. Leven.

Referred to the committee of Gloucester and Worcester, to consider whether it were fit to slight the works at Cannon

Froome, or to keep it a garrison, and then to name a fit person to be governor.

An ordinance passed for providing 2000*l.* for Ireland and 200*l.* for major-general Skippon.

Another sent up to the lords for 5000*l.* for the west.

The lord Wharton and four of the house of commons agreed upon to go commissioners into Scotland.

A party from the garrison of Lyme took in Chedwick-house, belonging to count Arundel, within six miles of Lyme,
164 and in it one hundred prisoners, thirty horse, store of arms, provisions, and ammunition.

Sir Thomas Fairfax advanced to Wells, and Massey with a body of horse towards Exeter.

The lord Hopton sought to gain the clubmen to him; he and Greenville and those of Exeter were about seven thousand; the king continued in Wales.

30. The day of public fast.

Letters from Aylesbury informed, that they at Oxford fearing a siege sent out three hundred horse to force contribution, and provisions to be brought into Oxford, that this party were met with by about a hundred of Aylesbury horse, who had several hot encounters with them, and at length routed the king's forces, killed many of them, took fifty prisoners, eighty arms, and beat the rest back again to Oxford.

31. Ordered, that the committee for the four northern counties should treat with the committee of both kingdoms about the blocking up of Newark, and that a letter should be sent to the committee at York, to send as many of their forces as they could spare to join with the forces of Nottingham, &c., for that purpose.

Ordered, that lieutenant-colonel Throckmorton be examined by the committee of examinations concerning the loss of Monmouth, and that business to be again revived.

The house turned into a grand committee about the ordinance for sale of delinquents' estates.

Mr. Strickland. Order for Mr. Strickland, the parliament's agent in Holland, to have 500*l.* for his good service, and towards his charges there, and 400*l.* per annum allowed him during his continuance in that employment, to begin from his first going over thither.

Colonel Harley was appointed by the general to be governor of Cannon Froome; the Scots advanced through the forest of Dean, and had intelligence that the king passed over the Severn towards Bristol; that about eighty of his horse, endeavouring to pass over Severn, were taken by one of the parliament's frigates.

That many of the Welsh are quartered about Bristol, which prince Rupert labours to fortify, and had several meetings with the clubmen of Wiltshire and Somersetshire, but could not prevail with them to take up arms and join with him. Clubmen.

Letters from sir Thomas Fairfax's army informed, that from Wells he sent a party against Sherborne, and another party, of two regiments of horse, and two companies of dragoons under colonel Rich, towards Bath, to view the town, and to give him an account of it.

That at the approach of Rich's dragoons near the town, and his coming down the hill near the bridge, the enemy in Bath took an alarm, and discharged their ordnance, and some of Rich's dragoons let fly their musket-shot, and a sharp summons was sent to the town, which so terrified them, that although none of the parliament's forces were on the other side of the town, yet the next morning they sent for a parley, at which they agreed to surrender the city with all the common soldiers, arms and ammunition and ordnance, to the parliament, upon this condition only, that their governor sir Thomas Bridges and his officers should march to Bristol, which was condescended unto. Bath surrendered.

The parliament's forces thereupon entered the town, and took in it two hundred prisoners, but most of them got away, six pieces of ordnance, three hundred arms, ten barrels of powder, ten barrels of match, and much ammunition, divers heaps of bullets, great store of beef, corn, and other provisions, the standard colours upon the fort royal, and all other colours in the town.

That colonel Massey was gone with eight thousand horse and foot towards Exeter; and that the enemy from thence drew out their horse and foot into the field, and some field-pieces into their outworks.

1. Some from the assembly of divines were called in, and presented to the house a petition in the name of the assem- Aug. 1645. Petition of the assembly.

bly, desiring that a speedy course might be taken about those who should be thought not fit to be admitted to the sacrament, viz. the ignorant, scandalous, and profane, &c.

It being a thing, if effected exactly to the rule, would much tend to the glory of God and the good of this whole kingdom.

Answer. The speaker, in the name of the house, gave them answer, that the house was in a debate of the same business, and long before their coming, and that they would expedite it with as much conveniency as could be.

A letter from the committee at York informed, that they Scarborough. had chosen colonel Boynton to be governor of Scarborough-castle, colonel Pointz desired the same government, and it was referred to a committee to consider of it, and of the vote of the house to bestow the next command upon colonel Pointz which should be worthy of him.

An ordinance sent up to the lords for continuing the monthly assessment in Northampton.

Countess of Dorset. Order for the payment of the 600*l.* formerly ordered for the charges of the funeral of the countess of Dorset.

Debate about the business of the church.

Major-general Browne was called into the house, and had their thanks for his good service, notwithstanding the nearness for so long time of a potent enemy. Then he informed the house of the state of the garrison at Abington and the enemy's adjacent garrisons.

The house ordered money for his recruit.

Then he presented to the house several propositions for reducing the enemy's garrisons, which were referred to the committee of both kingdoms.

The commons assented to an ordinance sent to them from the lords concerning Trinity College in Cambridge.

Upon a petition of three hundred reformado officers, who served under colonel Sanderson for the relief of Taunton, and were promised by the committee of the west to have the fifth part of their arrears, but after their service performed they could not get it;

The house referred to the committee of the army to audit their arrears, and ordered 2000*l.* for their present subsistence.

A day appointed for alderman Fouke's petition to be heard.

News came that the Scots army was sat down before Here-

ford. The king was yet in Wales, sir Thomas Fairfax at Wells, and colonel Massey gone towards Exeter.

4. A petition touching draining in the Isle of Ely, &c., referred to a select committee.

Upon debate of alderman Fouke's petition, ordered that he should be accountable, as other commissioners of the customs ought to be.

The assembly presented to the house a petition from Cambridge university, expressing their thanks for being freed from the excise, and praying the confirmation of their rights and privileges, which was ordered until the differences between the university and the town should be determined by law, and they were referred to a committee. Cambridge petition. 165

The house sent some of their members to the lord mayor, to desire that a common-council might be called for the choosing of some more persons to be added to the militia of London.

Letters informed that general Leven sent a summons to the town of Hereford, and the parliament sent another to render the town, but the governor, Scudamore, refused to surrender it without special order from the king or prince. Hereford.

That the king is still in Wales, and that a party of Gloucester horse gave Bristol an alarm, took a lieutenant-colonel, some prisoners, and 150*l.* in money.

About two hundred of the Newarkers fell upon Tocksey-house, a garrison of the parliament's in Lincolnshire, surprised it, and took all in it prisoners, plundered the town, fired the house, and then retreated.

5. The house gave the credit of the excise for 5000*l.* more for the three counties.

The house made several orders about supplies, and the establishment of the garrisons in the eastern association, and about the blocking up of Newark.

Orders for the militia of London and major-general Browne to press two thousand soldiers, and to beat up drums for the volunteers for reducing Oxford.

Propositions for reducing of Chester referred to a committee: the ordinance continued for the payment of sir Thomas Fairfax's army.

Debate touching the business of the church, and that

chapels of ease, or in private houses, should not be exempt from the church government in a presbyterial way.

Sir Thomas Fairfax beleaguered Sherbourne-castle, where sir Lewis Dives was governor.

Goring was in the west with seven thousand men.

6. The house was in debate about sending propositions of peace to his majesty, which I furthered all I could.

Votes. They voted, that to such propositions as shall next be sent to the king for a safe and well grounded peace, his majesty's positive answer shall be desired without any treaty.

And that such as shall be presented for England and Ireland shall be by bills.

And that the Scots commissioners shall be acquainted with these votes. The lords consented thereunto.

The ordinance sent up to the lords for settling the government of the church in a presbyterial way.

Colonel Jephson. A common-council ordered to be called for choosing two of the city to go as a committee into the province of Munster; and that colonel Jephson should go thither as another of that committee, and have the command of a regiment of horse.

An ordinance passed for 2000*l.* to Maximilian Beard, for commodities sent by him into Ireland.

Referred to the committee of prisoners to dispose of the prisoners sent up by sir Thomas Fairfax from the west, and to treat with the officers' prisoners for money for their ransom.

7. The house was adjourned at Mr. Speaker's desire, who was to go out of town.

Fairfax. 8. The house heard letters from sir Thomas Fairfax to his father, the lord Fairfax, of his leaving forces at Bath for the straitening of Bristol; and a letter enclosed from lieutenant-general Cromwell to sir Thomas Fairfax,

Clubmen. That in his march to Shaftesbury he found ten thousand clubmen in a body, and Mr. Newman in the head of them; that he sent to know the cause of their being in arms, and Mr. Newman came to him, told him the causes were two; 1, to have an account of their fellows taken at Shaftesbury; 2, to secure themselves from plunder.

That Cromwell told them no account was due concerning

their fellows taken at Shaftesbury, but yet he assured them that his general only intended that if they were found, upon due trial, to have committed any offence, they should be punished according to law, otherwise to be released.

To the second, he assured them that his general would not suffer any of them to be plundered or injured, but upon complaint against any of his soldiers would do them justice.

That hereupon the clubmen, as being well satisfied, departed to their own homes.

That after this, about Shaftesbury, he met with two thousand more clubmen, whom he sent to in a peaceable way to depart home, but they fired upon his messenger: he sent again twice more to them to disperse themselves, but they still shot at his messengers, and said they expected the lord Hopton to come to them, and killed two of Cromwell's men.

Whereupon he ordered major Desborough to charge them, who killed about twenty of them, and took the gentlemen who were in the head of them, and three hundred prisoners, whom Cromwell desired he might send home, and keep the gentlemen only prisoners.

The house referred it to sir Thomas Fairfax to discharge such of the prisoners as he pleased; and sent up an ordinance to the lords to continue lieutenant-general Cromwell in his command for four months longer, notwithstanding the self-denying ordinance. Cromwell.

A petition from the assembly declared plainly their claim, *jure divino*, of power to suspend from the sacrament all such as they should judge to be scandalous or ignorant: but many opposed it, as giving them too much power of persecution. Assembly.

9. Major-general Browne had given a commission to major Temple to be governor of Newport Paganel, and sir Thomas Fairfax desired that lieutenant-colonel Cokaine might be governor there: which the house resolved, and that major-general Browne had no authority to give such a commission.

Four hundred pounds ordered for the earl of Essex his reformado officers, and orders for other moneys for several forces.

Captain Moore appointed to be governor of Monmouth.

The committee of examinations, by order of the house, committed lieutenant-colonel Lilburn to Newgate, for writing a seditious book. Lilburn.

Order to search for papists and delinquents.

Letters informed that captain Allen, with ninety-five dragoons from Burleigh-house, fell upon two hundred of the
Newark. Newark and Belvoir horse commanded by sir Robert Dalison, routed them, killed five, took several officers and fifty prisoners, eighty horse, and rescued the countrymen and plunder which they had taken.

11. The house approved of the commitment of lieutenant-colonel Lilburn.

166 An ordinance sent to the lords for giving the public faith to such as had paid their fifth and twentieth part.

An order for discharge of colonel Waite's attendance on the house, and for revoking his suspension from his government.

Major-general Pointz took the church and outworks of the
Skipton. castle of Skipton, divers of their horse and men, and their conduit water.

Colonel Pye and colonel Sheffield came with their own regiments and seven hundred recruit horse to Sherburne. The king's recruits went on slowly.

The composition for delinquency of sir John Tyrrel for 800*l.* and of sir John Mushamp for 600*l.* were confirmed, and ordered that none should compound under two years' value of their estates.

Order for discharge of reformados' quarters.

Major Moore continued governor of Gaunt-house, and colonel Russel of Ely.

Order for auditing reformados' debentures.

Assembly. A petition to the lords from the assembly about non-admission to the sacrament, and punishing such as derogated from the Directory or used the Common Prayer Book.

An ordinance passed for money for the northern association.

Spaniards defeated. The French defeated the Spanish army in Germany, ten thousand killed and taken, one thousand arms, fifty-seven pieces of ordnance, three hundred barrels of powder, one hundred carriages, one hundred colours, and all their bag and baggage.

In a general assembly in France our queen moved for aid for her husband, but they denied it.

The king left Wales, and went with three thousand of his horse northwards.

Some clubmen were up in Berkshire.

13. Upon the king's advance northward, the house took care of the forces about Newark and about Hull, and sent notice of the king's motion to the Scots army, who sent four thousand horse and foot after him.

The house took care for Gloucester garrison, and appointed colonel Morgan governor of all the forces in that county, and in Monmouth, Glamorgan, and Hereford shires.

Pay desired for sir Thomas Fairfax's army.

Major-general Browne submitted himself to the house, to be commanded by them; and it was referred to the committee of the three counties to examine some affronts offered to him by some under his command, and the house resolved to give him reparation. Browne.

The garrison of Phyllis-court mutinied against captain Doyley, and had like to have killed him, but for the present it was pacified; and major-general Browne was desired to go to Henley, to settle that business.

The house, in debate of a petition from the borough of Southwark desiring a new election of burgesses, Mr. White, one of their burgesses, being dead, and Mr. Bagshaw, the other, being excluded; Petition of Southwark.

Some were of opinion that a new election might prove inconvenient, and of danger; others pressed it, as the right of the subject to have burgesses: upon the question to defer it for a month longer, it was carried in the negative; and the house resolved into a grand committee, to consider of it.

Orders for money, and touching supernumerary forces in the northern association.

Major-general Langherne fell upon a party of the king's under major-general Stradling and major Ennerton near Haverfordwest, gave them a great overthrow, took four hundred prisoners, divers officers of note, one thousand arms, twenty colours, and four pieces of ordnance, and retook Haverfordwest. Haverfordwest.

Letters from the Scots army before Hereford inform of their proceedings at the leaguer; of their want of money, ammunition, and provisions; that the country will bring in none, and the Scots soldiers feed upon apples, peas, and green wheat, which is unwholesome; and they are much discontented to be thus used for their kindness. Scots army.

A month's pay ordered for the Scots army, and care taken for their future pay.

Letters to the northern association to join their forces with those of the Scots gone after the king.

Plate and rich hangings taken at Bridgewater, and sent up by sir Thomas Fairfax, ordered to be sold, and the money to be sent to sir Thomas Fairfax to give to his soldiers for their encouragement.

North Wales. Order for a declaration to be drawn, and sent into North Wales, of the causes of the parliament's taking arms, and copies of some of the king's and queen's letters taken at Naseby fight.

16. The house passed many compositions for delinquency, for sir Richard Halford, sir John Cotton, and others, and appointed a committee to examine the abuses of sequestrators and solicitors of committees.

Sherburne-castle. Letters from sir Thomas Fairfax's army informed that they made a breach of about thirty foot wide in the wall of Sherburne-castle, and then sent a summons, and sir Lewis Dives returned a peremptory denial, whereupon sir Thomas Fairfax's men went on to storm: twenty of the garrison leaped over the wall and came in to him, demanding quarter; those within cried out for a parley, but it was denied, only quarter offered for their lives: upon which terms the parliament soldiers soon made themselves masters of the castle.

There they took sir Lewis Dives, the governor, and sir John Strangeways, formerly members of parliament;

One of the lord Paulet's sons, Fussell an attorney, ten ministers, divers of the gentry and commissioners of array, and six hundred prisoners, fourteen hundred arms, great store of ammunition and provisions.

Propositions for peace. 18. Order for the house to sit some days in the week as a grand committee, to consider of propositions of peace to be sent to his majesty; and the Scots commissioners to be acquainted therewith.

Colonel Rowe and Mr. Booker, chosen by the city to go as commissioners into Ireland, were approved.

A petition from Kent referred to a committee.

Thanksgiving. Order for a letter of thanks to sir Thomas Fairfax; and for a day of thanksgiving for the taking of Bath, Bridgewater, and other garrisons.

Goring failed of recruits in the west.

At Exeter an oath was tendered to all the inhabitants and soldiers, to oppose all forces not raised by the king's consent, and particularly sir Thomas Fairfax's army. Oath.

Letters informed that prince Rupert had in Bristol one thousand horse and two thousand foot, and took in a garrison of the parliament's, called Stenchcombe, where he put forty men to the sword in cold blood.

In the king's march, the Scotch horse fell upon his quarters at Bewley, and took seventy horse and divers officers.

At Lichfield, the king confined colonel Hastings for delivering up of Leicester. About Tilbury, sir John Gell fell upon his rear, took captain Blake and others, and forty prisoners; but the king's forces returned upon him, and rescued twenty of their own men, and took ten of sir John Gell's prisoners.

Lieutenant-general David Lesly with the Scotch horse was near him, and major-general Pointz with two thousand five hundred horse, colonel Rositer with fifteen hundred horse, and the country horse about two thousand, intended to join together, in all about ten thousand horse, to follow his majesty. 167 Parliament forces.

19. The house resolved, that the committees in the north had no power to appoint governors of forts there, and the house nominated major-general Pointz to be governor of York, and colonel sir Matthew Boynton of Scarborough. York.

A declaration against tumultuous assemblies by any persons in arms, without authority from the parliament, sent to governors of forts to be published, and they empowered to seize on the leaders of them, to be proceeded against as traitors. Tumults.

Orders for captain Doyley, governor of Newport Paganel, to command the regiment that was sir Samuel Luke's.

Orders for levying the arrears in London, of the assessment for sir Thomas Fairfax's army, and for the arrears to the Scots army.

Order for money for several forces.

20. The house were in debate of the point for suspending from the sacrament, but nothing was determined in it.

Order for superstitious pictures in York-house to be sold.

Orders for money and supplies for garrisons.

Bibles. Order that no foreign impressions of English Bibles be vended here without perusal of the assembly.

The king with five thousand horse and dragoons was at the lord Fretswell's house, and the parliament forces not far from him.

General Leven having planted his batteries sent his summons to Hereford, to come to a parley, and to expect no further offer.

Book taken at Naseby. A book was brought into the house taken at Naseby fight, wherein were the names of divers members of the house, with sums of money supposed to have been contributed by them to the king, and his majesty's hand in many places of it.

The speaker said he had perused the book, and did not find there his own name, nor Mr. Dunch, nor Mr. Whitelocke's name, and he believed the reason was, because the king had taken all from them.

21. The house were in a grand committee in debate of new elections for members; and upon the question it was carried by three voices to have new elections; and the speaker ordered to issue out his warrants for writs for new elections at Southwark, Bury, and Hithe, and none to be chosen and sit unless they took the covenant.

New elections.

Both houses granted a pass for the lord Houghton, the earl of Clare's son, and another for Mr. Hollis's son, for going beyond sea. But captain Bettesworth praying the like was desired to stay in England, to do further service.

Sir Thomas Fairfax, with advice of his council of war, proposed to go before Bristol.

The plague was much in Scotland, and Montrose lately routed a brigade of horse of the covenanters.

23. Order for supplies for major-general Langherne, and for 10*l.* a week to be allowed to his wife, in part of his arrears.

A bookseller questioned for printing sheets unlicensed, and order that none shall do the like.

An ordinance sent to the lords for Mr. Case, one of the assembly, to be parson of Sapport in Cheshire.

Order for colonel Jephson to beat up drums for volunteers for Ireland.

Five hundred pounds allowed to Scots reformados.

Order for payment of wagoners according to contract, and of tradesmen for their commodities.

Major-general Browne continued very scrupulous, and a discontent seemed to remain with him. Browne in a discontent.

Captain Greenville earnestly solicited my assistance that colonel Tyrrel might be one of the knights for Bucks upon the new elections, and Mr. John Doyley desired to be a burgess in that county.

25. Orders for recruits, which came in but slowly for the army, and for money for the forces of major-general Massey.

A petition of ministers of London and Westminster, concerning non-admittance of gross sinners to the sacrament, referred to the grand committee. Ministers' petitions.

Order that the sad condition of Scotland, in respect of the sickness there, and the late defeat given them by Montrose, shall be remembered in the public prayers on the next fast day. Scotland.

Upon information of the king's returning southward, and to prevent the plundering of his soldiers, and the breaking into the associated counties, care was taken to put them into a posture of defence, and for supplies of garrisons in his way, and colonel Graves and colonel Whaley were to go with more forces into those parts.

Order for 300*l.* for colonel Graves.

The Scots horse and dragoons, to whom major-general Pointz, colonel Rositer, and the country forces joined, making in all ten thousand horse and dragoons, got betwixt the king and the north, so that he retreated back to Newark; a party of the parliament's fell upon his rear, took the lord Harris, a papist, one hundred horse, and divers prisoners. The king retreats.

From Newark the king marched into Lincolnshire, where his army committed many outrages, and the next day he lay at Belvoir-castle, and the next day at Stamford, which was very sudden.

As they passed along, some forces from Burleigh and Leicester fell upon their rear, took eighty horse, four colours, divers arms, and about twenty prisoners of the lord St. Paul's regiment.

The van of the king's army being as far as Huntington by Stilton, a party under captain Gibs and captain Poe, from

Huntington, skirmished with the van, killed divers, and retreated to Huntington.

Hunting-ton. On Sunday last, in the afternoon, the king's forces entered Huntington, after some resistance made at the bridge by captain Bennet with his foot, till he, his lieutenant, and many of his men were slain: the king's soldiers miserably plundered the town, and the counties of Bedford and Cambridge, and took away their horses and goods.

Bristol. Aug. 21. Sir Thomas Fairfax sat down before Bristol; colonel Ireton, with a brigade of four regiments of horse and dragoons, and five hundred foot, quartered on that side next Gloucester, sir Thomas Fairfax on the other side.

Prince Rupert made several attempts to escape out of Bristol with his horse, but was beaten back with loss; he fired Bedminster and some other villages near Bristol, and the whole Temple-street in the city: his strength in the city was said to be nine hundred horse, two thousand five hundred foot, and one thousand five hundred auxiliaries: the prince disarmed divers of the citizens.

Order that Sherbourne-castle should be demolished. Massey with two thousand horse attended Goring's motions.

Lilburne. 26. A petition of divers citizens on the behalf of lieutenant-
168 colonel Lilburne, shewing his former opposing of tyranny and oppression, and his late good services, desiring the causes of his commitment may be examined, and maintenance allowed him.

The speaker returned answer to the petition, that lieutenant-colonel Lilburne was committed by order of the house, and referred to a legal trial; that the house did not approve of the time of presenting this petition, but in convenient time they would do further therein, according to justice; that they had upon a former petition from him allowed him 100*l.* for his subsistence.

Sir John Tyrrell's composition of 600*l.* approved, and 500*l.* of it ordered for the garrison of Newport Paganel.

Supplies ordered for several forces.

An ordinance passed for settling the court of the duchy of Lancaster in the hands of the lord Grey, speaker of the lords' house, and of the speaker Lenthall.

27. The house sat, and being informed of the plunderings

by the king's forces in their march in the associated counties, they ordered the earl of Warwick to be general of that association, and forthwith to go thither, and command the forces for the security of those counties.

Shrewsbury forces took in Linsell-house and one hundred horse and arms there, and the king's forces quitted and fired Dowley-castle.

The Scots forces finished three mines at Hereford, and intended a storm there.

28. Letters from sir Thomas Fairfax desired pay for his army, supplies for his magazine and recruits; for which the house made several orders.

An ordinance sent to the lords for elections in Eaton college, as formerly, and for their discharge from taxes.

Order for 750*l.* for major-general Browne, in part of his arrears, and a little to sweeten him.

Order for 4*l.* a week for sir George Grelley out of his own estate, being sequestered.

The king gave several alarums to Cambridge, faced them with a party of horse, and his forces plundered the country where they went, laid great taxes upon towns to be paid presently; and so they marched forwards. Understanding that the country were rising, and some forces from Cambridge coming against him, he went to Wobourne, where some of his stragglers were taken: his forces plundered much in Bedfordshire and Hertfordshire, and within five miles of St. Alban's some skirmishes were between parties of them and of the parliament's forces under major Cokaine, and some killed and taken prisoners. Cambridge.

A parliament ship took a French vessel bound for Exeter, and therein divers letters of consequence from the queen to the king.

Four hundred and fifty prisoners, taken by major-general Langherne, took the covenant to serve the parliament against the rebels in Ireland, whither they were sent with supplies for Younghall.

I did some service in parliament for Mr. Wickers, Mr. Stavely, Mr. Fairfax, and Mr. Le Gay.

29. The prisoners taken at Sherburne were sent up to London, and sir Lewis Dives and sir John Strangeways, kneeling at the bar, were committed to the Tower for high treason.

Orders for restraint of the abuses of keepers in permitting the parliament's prisoners to go abroad.

The king returns to Oxford.

The king came to Oxford, and many of his stragglers were taken up by the horse of Aylesbury, and the adjacent counties.

Order for major-general Browne to go down to his charge, and for Mr. Dunch and Mr. Whitelocke to confer with him about it, which we did, and reported to the house his willingness to serve them, and his want of forces, and they referred us to advise herein with the committee of both kingdoms, whom we attended in the afternoon, yet could get nothing done in this great business.

30. Debate concerning the northern horse that mutinied, and orders for their march southwards, and with other forces to attend the king's motions.

Colonel Thornhaugh, who brought the letters from sir Thomas Fairfax, was called in, and had the thanks of the house for his good services, and two horses bestowed on him.

Humiliation.

Order for a day of humiliation; for praying a blessing on Scotland, and on sir Thomas Fairfax's army, and for cessation of the plague in both kingdoms.

Orders touching sequestrations and supplies for forces in Leicestershire, and for disbanding some forces raised in the associated counties upon the alarum of the king's coming thither.

September 1645. Militia.

1. Upon a petition from the militia of London, the house ordered that the committee of the militia at the Savoy should execute the warrants of the militia of London upon the ordinance for searching for delinquents and papists, and turning them out of the lines of communication, and should be saved harmless therein by the house.

They also took care for the payment of the arrears to the wagoners of sir James Harrington's brigade.

New elections.

Orders for writs for new elections in several places; and that none who had taken up arms against the parliament should be capable to be chosen a member of parliament.

Orders for pay for the garrison of Leicester, and for a collection for the poor in that town and county.

Order for the committee of the three counties, to sign a warrant to their treasurer for a fortnight's pay for reformados.

Intelligence came that the clubmen of Gloucester and Somersetshire have expressed good affection to sir Thomas Fairfax's army. Clubmen.

That Somersetshire raised two thousand men, who joined with a party of sir Thomas Fairfax's army, and they took the strong fort of Port's-head-point, and in it six pieces of ordnance, a demy culverin, and two hundred arms; and that thirty-six of the garrison had terms to go to their houses, the rest were run away before; one of the terms was an oath, "never to bear arms against the parliament."

That the parliament's forces seized upon a ship in Avon with twelve pieces of ordnance, fifty prisoners, and store of ammunition.

That sir Bernard Ashley and colonel Daniel, riding out of the works at Bristol to see the parliament leaguer, colonel Daniel was slain, had seven bullets in his body, and sir Bernard Ashley was taken prisoner.

2. In a letter from major-general Major was enclosed another, by him intercepted, from general Goring to the king, who informs his majesty that he is ready to join with his brigade of horse to raise the siege of Bristol, and that his army consists of between eleven and twelve thousand.

The ordinance of sequestrations explained, as to the fifth part for wives and children of delinquents and papists, that it shall not be extended to those who come purposely out of the king's quarters to the parliament to have this fifth part, but to such as have been or shall continue in the parliament's quarters, and to such children of papists as shall be brought up in the protestant religion. Ordinance explained. 169

Order for a fifth part to the widows and children of soldiers slain in the service of the parliament.

Intelligence came from Scotland that Montrose had summoned Edinburgh, and many of the Scots lords were come to Berwick, and the chancellor of Scotland went to get lieutenant-general Lesley with his horse to advance thither. Montrose.

Order for money for the army, and for the forces of major-general Pointz.

Intelligence came to the house that the king had again left Oxford, and was gone with three thousand five hundred horse and dragoons towards Camden: they ordered major- The king leaves Oxford.

general Pointz and colonel Rossiter to attend his motions; and if he went towards Hereford, to correspond with general Leven, and assist him; and if the king went towards Bristol, then to correspond with sir Thomas Fairfax; and the Scots commissioners to have notice of this order.

Pointz and Rossiter accordingly, with other forces, followed the king; and the common-council of London did agree that every one of them should furnish out a horse and arms, to make up with other forces a flying army to attend the king.

Basing-house continued blocked up by colonel Dalbier.

I attended the committee of the three counties to settle the business of Phyllis-Court garrison, and colonel Temple was sent down thither to command for the present, because they would not spare my attendance on the house.

Church affairs.

3. The house fell into the debate of the great business of the church, the points of *excommunication*, and *suspension* from the sacrament, which power the presbyterians longed for.

Selden.

Selden declared his opinion:

That for four thousand years there was no sign of any law to suspend persons from religious exercises.

That under the law, every sinner was *eo nomine* to come to offer, as he was a sinner; and no priest or other authority had to do with him, unless it might be made appear to them whether another did repent or not, which was hard to be done.

Strangers were kept away from the passover, but they were pagans, and such as were not of the Jewish religion; the question is not now for keeping away pagans in times of Christianity, but *protestants* from *protestant* worship. No divine can shew that there is any such command as this, to suspend from the sacrament.

If, after Christ suffered, the Jews had become Christians, the same ground upon which they went as to their sacrifices would have been as to the sacrament; and certainly no way nor command to keep any one from partaking of it.

No man is kept from the sacrament, *eo nomine*, because he is guilty of any sin, by the constitution of the reformed churches, or because he hath not made satisfaction.

Every man is a sinner, the difference is only, the one is in private, and the other a sinner in public. The one is as much against God as the other.

Dic ecclesiæ, in St. Matthew, was the courts of law, which then

sat in Jerusalem. No man can shew any excommunication till the popes, Victor and Zephorius (two hundred years after Christ), first began to use it upon private quarrels: thereby excommunication is but human invention; it was taken from the heathen.

I spake to this effect:

Mr. Speaker,

The assembly of divines have petitioned and advised the house of commons, that in every presbytery, or presbyterian congregation, the pastors and ruling elders may have the power of excommunication, and the power of suspending such as they shall judge ignorant or scandalous persons from the sacrament.

By *pastors*, I suppose they mean themselves, and others who are or may be preachers in the several congregations, and would be ἐπίσκοποι, bishops or overseers of those congregations.

By *ruling elders*, I take their meaning to be a select number of such as in every one of those congregations shall be chosen for the execution of the church government and discipline in them respectively.

They may properly enough be called *pastors* from our Saviour's charge to his disciples, *Pasce oves meas*, Feed my sheep; so that a pastor is to feed those committed to his charge with spiritual food, as the shepherd feeds his flock with temporal: if so, how improper then will it be for those who are to feed the flock, to desire the power to excommunicate any, to keep them from food, to suspend any from the sacrament, to drive them from feeding on the bread of life, to forbid any to eat of that whereof Christ the great Shepherd of our souls hath said, *Take, eat*, &c.

To forbid those to drink whom they shall judge unworthy, when our Saviour himself said, *Drink ye all of this*, and St. Mark, chap. xiv. saith, *and they all drank of the cup*.

In the Old Testament, *Ho, every one that thirsteth, come ye to the waters, and he that hath no money; come ye, buy, and eat; yea, come, buy wine and milk without money and without price*, said the prophet Isaiah; yet now his successors would be authorized to say to some persons, "You do not thirst," though themselves say they do, and to deny them milk and water, bread and wine, when they desire it.

Surely it is not proper for pastors, for feeders of flocks, to deny food to any of their flock who shall desire it.

But some have said, that it is the part of a good shepherd, if he see one of his sheep going astray into a ground where the grass will bring the rot, to chase him out of that pasture. And they

apply it to spiritual pastors, suspending those from the sacrament whom they fear, by the unworthy receiving of it, may eat and drink their own damnation.

This may be a charitable simile, but will hardly be found a full answer; for it is not the receiving of the sacrament, but the unworthiness of the receiver that brings destruction. And whether he be unworthy or not, it is not in the judgment of pastor, or of any other, but of the party only who is the sinner, for none can know his heart but himself, and a commission will scarce be produced for any other to be judge thereof. The person refused may say to the pastor in this case, *Quis constituit te judicem?*

170 Besides, the authority desired is not only of *suspension*, but of *excommunication*, which is a total driving or thundering away of the party from all spiritual food whatsoever. And if a shepherd shall chase away his sheep from all pastures, that indeed will bring the hunger-rot upon them.

The more sinful persons are, the more they have need of instruction; and where can they have it better than from the lips of the learned and pious pastors which ought to preserve knowledge.

But it hath been said that the *ruling elders* are to join with them: let us inquire who they are: in some congregations, in country villages, perhaps they may not be very learned themselves; yet the authority to be given them is sufficiently great.

The word *elders* amongst the Hebrews signified the men of greatest power and dignity: the members of their great sanhedrim were styled *elders*, so were the princes of their tribes.

The Grecians had the appellation in like esteem: πρεσβύτεροι, which we translate *elders*, was given to their greatest men, and from thence is fetched the name of *presbyters* or *priests*, *presbytery* and *presbyterian* government.

The Phœnicians, Tyrians, and other particular nations, used the word *elder* in the like sense, and styled their generals and princes by the name of *elders*.

The Romans did the like, their *senate* and their *senators* came all from *senes*, *elders*; and from them to this day the French, Spaniards, and Italians retain the titles of *seigneur*, *seigniori*, *seniori*, and the like, for their greatest men. And in England we give the name of *earls* to our great lords, from *elder*, and to the king himself the title of *sir*, abstracted from *seigneur* an *elder*.

In towns they still keep the title of *aldermen*, that is, *eldermen*, for the chief and rulers of the corporation: and so they may allow the title of *elders* to the chief and select men of every presbytery.

Yet if this power, *excommunication* and *suspension*, be allowed them, they may well challenge the title of *elders* in the highest signification.

The *power of the keys* is a great power; the Romish church will acknowledge it and the foundation of their supremacy to be built upon it. Whatsoever *they bind or loose on earth, to be bound or loosed in heaven*, is a power which may claim the highest title imaginable.

Although I can never presume that the reverend and pious learned gentlemen, who aim at this power, can have the least supposition of any such effect by it, yet, if any petitioners should sue to you to be made judges or justices, I believe you would judge their petition the less modest, and them the less fit for such offices: but to this I make no application, and I hope none shall make any use of it.

Power is thought fit to be given to suspend from the sacrament two sorts of persons, *the ignorant* and *the scandalous*.

I am sure that I am a very ignorant person, and I fear we are all more ignorant than we ought to be of the truth of Christ, and some more than others. And the most learned, I doubt, may be called in the large sense *ignorant*. Even amongst the *pastors*, and perhaps amongst the *ruling elders*, in some places the most learned may in other places be adjudged *ignorant*.

The more ignorant people are, the more some will blame their pastors, who ought to instruct them, and by private conference inform them, and rectify their understandings: and that is a good part of spiritual food. And to keep an ignorant person from the ordinances is no way to improve his knowledge.

Scandalous persons are like to be suspended; and who shall be said *scandalous* is to be referred to the judgment of the *pastors* and *ruling elders*: but where a commission is extant for them to execute this judicature will be hard to shew.

Both *pastors* and *elders* and people are all *scandalous* in the general sense. We are all of us gross sinners, and our best performances are but *scandalous*, as to the true and sincere profession of the gospel of Christ.

Those who are scandalous sinners ought to be admonished to forsake their evil ways, and to amend their lives; and where can they receive this admonition, and hope for more conviction of their consciences, than by hearing good sermons, and being admitted to be partakers of the holy ordinances; but to excommunicate them deprives them wholly of the best means for their cure.

The best *excommunication* is for *pastors, elders*, and people to *excommunicate* sin out of their own hearts and conversations; to

suspend themselves from all works of iniquity; this is a power, which, put in execution through the assistance of the Spirit of God, will prevent all disputes about *excommunication* and *suspension* from the sacrament.

A man may be a good physician though he never cut off a member from any of his patients; a body may be very sound though no member of it was ever cut off. And surely a church may be a good church though no member of it hath ever been cut off.

I have heard here many complaints of the jurisdiction formerly exercised by the prelates, who were but a few; there will be by the passing of this now desired a great multiplication of spiritual men in government.

Where the temporal sword (the magistracy) is sufficient for punishment of offences, there will be little need for this new discipline; nor will it be so easily granted.

After a long debate, the house referred this matter to a further consideration by the grand committee, to whom it was formerly referred.

I omitted some things in my argument which I thought might give most offence, and not much further my opinion; yet for that which I spake, I did not pass uncensured by the rigid presbyterians, against whose design I was held to be one, and they were pleased to term me a disciple of Selden, and an Erastian.

Votes for new elections of members for several towns and counties.

Order for advance of the forces under major-general Pointz, and for horse and arms to be sent to the Scots army before
171 Hereford, and notice to them of the party appointed to attend the king's motions.

A conference and reasons given to the lords for passing the ordinance for sale of delinquents' estates.

A party of about one hundred and twenty horse came from Wallingford and Dunnington to gather contribution near Reading; and colonel Baxter, with a party of about thirty horse, marched after them, beat up their rear; but they facing about, one of Baxter's men was slain, and twenty wounded and taken.

Then a party of one hundred horse, who by accident quartered at Reading, came forth to relieve Baxter, routed the enemy, recovered all the prisoners, took twenty-five, and

captain Barker their commander, fifty horse, and forty arms.

Montrose carried all things in Scotland without opposition, and had many eminent prisoners, and forced divers to fly to Berwick. Montrose.

The funeral of the countess of Dorset in much state. Countess of Dorset.

4. An ordinance for a collection for the poor of Leicester.

Another sent to the lords for supply of the forces in the eastern association.

Order for the brigade under lieutenant-general Lesley to march into Scotland, for their assistance there.

Order for one hundred horse from Southwark to be sent to Basing-house, and the militia to fine such as refused.

Goring, Greenville, and Mohun marched with six thousand in the west, summoned all between sixteen and sixty to come in to them, and forced such as they met with to serve under them. Massey attends them. Sir John Seymore brought one thousand men to the leaguer before Bristol.

Seven parliament ships were in King's Road.

5. The public fast day, by reason of the plague, and the ill success of the brethren in Scotland. Fast-day.

The king was about Worcester with about five thousand: Pointz and Rossiter followed him.

A party from Shrewsbury fell upon a party of the king's at Bishop's-castle as they were plundering on a fair-day, routed them, rescued all the plunder, took two hundred horse, and many prisoners.

6. Care was taken for payment of the allowance to the prince elector. Prince elector.

The declaration sent to the lords for the undeceiving the people of Wales.

A committee appointed to cast up the arrears due to the earl of Essex, and to consider of a way for payment of them; and what mark or badge of honour is fit to be bestowed on him for his great services. Earl Essex.

An ordinance passed for raising horse and dragoons in London. The lord Herbert of Ragland was sent into Ireland to solicit supplies from thence for the king.

Debate of the point of suspending from the sacrament: voted, that the presbytery should not meddle with anything Presbytery.

of *meum* and *tuum* till it were determined by the civil magistrate.

An ordinance touching the wives and children of delinquents, if dwelling here, and protestants, to have the fifth part of the delinquents' estates, passed.

Letters certified that the Scots army had raised their siege from before Hereford, and were marching northward to go home again.

Bristol. Sir Thomas Fairfax's army before Bristol kept a day of humiliation, and after that intended to storm the town. The Clubmen. clubmen declared that they would all assist sir Thomas Fairfax.

The governor of Weymouth, with the assistance of some seamen, entered Corfe Island, took a fort there, and a demy culverin, and slighted the fort.

Two hundred reformados were surprised in their quarters near Thame by forces from Oxford and Bostall-house; one hundred and twenty horse and men were taken, and the rest of them escaped.

9. Mr. Peters was called into the house, and gave them a particular account of the siege of Bristol, and the cause of sitting down before it, to prevent the plunder and cruelties of prince Rupert in that country; and he pressed the desire of sir Thomas Fairfax to have recruits sent to him.

Several orders passed for recruits and money, shoes and stockings, and all necessary supplies for the army; and touching the pressing of able men to serve in the army, and not such as were vagabonds, who could not be found out if they ran from their colours.

Intercepted letters. Intercepted letters signified that a peace was concluded by the king and the Irish rebels, and that many of them were expected to be shortly here to assist the king.

10. Debate of the church business.

Mr. Strode. Order for the burial of Mr. William Strode, a member of the house, in the abbey of Westminster, near the corpse of Mr. Pym; and for all the house to accompany his corpse at his funeral, and that 500*l.* be paid to his executors.

Divers private petitions answered, and one day in every week appointed to hear private petitions.

Bristol. Sir Thomas Fairfax, being provided to storm Bristol, sent

in to prince Rupert, to offer him honourable propositions, if he would forthwith surrender the town, to avoid shedding of more blood, and spoil of the city. The prince desired liberty to send a messenger to the king, to know his pleasure; but that was denied, as too much delay.

Then the prince, declining a treaty by commissioners, sent high propositions of his own; which sir Thomas Fairfax refused, but returned his final answer to the prince how far he would grant what was desired, and no further: but this was not accepted by prince Rupert.

I went out of the house to the committee of the three counties, where we considered that Oxfordshire paid contribution to eighteen several garrisons; and we agreed to represent this to the house, and the great poverty of the three counties, and their disability to maintain the garrisons within them: which report I was commanded to make.

11. Order for a declaration to be drawn of the cruel acts done by the governor of Jersey upon the inhabitants there; and that if for the future he shall put to death any of the isle whom he shall take prisoners, for every one so slain the parliament will hang up three of the king's men their prisoners. Jersey.

I was desired by the earl of Northumberland to attend on his behalf in the business touching the king's children, which I did, and the same was settled to his content.

12. Debate about the business of the church.

A committee of both houses appointed to receive from the Scots commissioners what they had to impart to them touching the marching of the Scots army northwards.

Writs ordered for new elections of members in several places.

Letters and messengers from Bristol informed that prince Rupert, having delayed the treaty for surrender of it till his counterscarfs and inmost lines were finished, and then refused the honourable conditions offered to him by sir Thomas Fairfax; thereupon sir Thomas Fairfax ordered to storm the city in this manner: 172 Manner of storming Bristol.

Colonel Welden to have one brigade of his own, Twiselden's, Fortescue's, and Herbert's regiments, who were to make good Somersetshire side, and to storm in three places.

Colonel Mountague to command the general's brigade, con-

sisting of the general's, Mountague's, Pickering's, and sir Hardres Waller's regiment, to storm on both sides of Lawford-gate.

Colonel Rainsborough's brigade, of his own, Skippon's, Hammond's, Birche's, and Berkley's regiments, were to storm on this side the river Froome, and two hundred of them to go in boats with the seamen to storm Water Fort.

One regiment of foot and another of horse to be moving up and down in the close, to alarm the royal fort.

One regiment of dragoons and two regiments of horse to attempt the line and works by Clifton.

September 9. At twelve at night all the army, both horse and foot, were drawn round the city in a posture to storm. The signs when to begin were by the kindling of a fire of straw and discharging four great guns: the parliament's word during the storm was *David*, and after the line was entered, *The Lord of hosts*.

About two in the morning the storm began, the soldiers shouted for joy. The service was hot, especially at the prince's fort, where Rainsborough performed very bravely: they cut in pieces most of the soldiers within the fort, with their captain, Price, and took four great pieces in the fort and two more in a redoubt.

Colonel Mountague's men took sixteen pieces in the several works and half-moons, which they gained by storm.

Welden's brigade fell on with great resolution; but the moat being very deep on Somersetshire side, and his scaling-ladders too short, he only alarmed them on that side.

The clubmen terrified the enemy on Bedminster side.

In Rainsborough's and Mountague's brigades not above forty men slain.

The parliament's horse entered with the foot, the pioneers having thrown down the line. The prince's horse were beaten off; and colonel Taylor, formerly a member of parliament, wounded, and three majors taken, and other prisoners. On the parliament's part, captain Ireton and major Bethel were wounded.

Prince Rupert fled into the castle, and sent to sir Thomas Fairfax for a parley, who yielded to it; and the city was surrendered upon far lower terms, on the prince's behalf, than he was before offered.

Three messengers who brought this good news had 20*l.* apiece given to them.

13. Debate about providing money for the army, and sale of the lands of bishops, deans, and chapters for that purpose.

Report that the commissioners of Scotland had acquainted the committee of both houses with the calamities in Scotland; which occasioned the advance of their army northward, and some flourishes about it.

A committee to consider of the excise; another, of what prisoners are fit to be ransomed.

15. Upon the report touching the speaker and his brother's sending 6000*l.* to Oxford, from the committee of examinations, it was voted by the house a false and malicious scandal; and they referred to a committee to consider what punishment was fit to be inflicted on the authors of it. Speaker.

Divers of Bristol petitioned that major-general Skippon might be governor there, and the house referred it to sir Thomas Fairfax. Lieutenant-general Lesley marched with his forces beyond Tweed. Bristol.

Major Temple, with a party from Henley, came undiscovered to a village near Wallingford, where a party of the king's were quartered, killed the sentinels, took a captain and six-and-thirty horse.

The king's forces burned down master Cartwright's house at Ayno, and all the outhouses, and plundered him to the value of 800*l.*

Mr. Strode was buried: a constant servant to the parliament, just, and courteous. The preacher of his funeral sermon brought in, though by head and shoulders, the business of church discipline.

16. The house ordered that all the books and manuscripts of the lord Littleton which should be discovered should be bestowed upon me, and the speaker to grant his warrant to search for them, and to seize them, and deliver them to me.

I undertook this business, as I had done others of the like kind, to preserve those books and manuscripts from being sold, which the sequestrators would have done: but I saved them to have the present use of them, and resolving, if God gave us an happy accommodation, to restore them to the owner, or to some of his family.

An ordinance was sent up to the lords touching the church in Covent-Garden.

The hangings taken at Bridgewater, after being sold, the moneys were sent to sir Thomas Fairfax, to bestow among the officers and soldiers.

Several ordinances about money, and for payment of their debts to tradesmen.

The prince elector's ordinance debated.

An ordinance for the government of Ulster, and disposing the church lands there by sir Arthur Onslow and sir Robert King, and others.

Five thousand pounds composition on the earl of Devon.

The Scots papers referred to a committee, and I was desired to pen the answer of the house to them.

17. Debate about the church business.

Orders for new elections.

Letters from sir Thomas Fairfax and lieutenant-general Cromwell, brought by colonel Mountague and colonel Hammond, informed the particulars of the taking of Bristol, as before; and that prince Rupert went for Oxford, convoyed by two regiments of their horse.

Bristol.

That they took in it about a hundred and forty pieces of cannon mounted, store of arms, and ammunition, and provisions.

In Cromwell's letter was this passage:

Cromwell. It may be thought that some praises are due to these gallant men of whose valour so much mention is made: their humble suit to you, and all that have an interest in this blessing, is, that in remembrance of God's praises they may be forgotten.

It is their joy, that they are instruments to God's glory and their country's good: it is their honour, that God vouchsafes to use them. Sir, they that have been employed in this service know that faith and prayers obtained this city for you.

173 Sir Thomas Fairfax lost but two hundred men in the siege and storm. They retook here and at Bridgwater all the cannon which the earl of Essex lost in Cornwall.

The sickness was much in Bristol, yet but one of the parliament's soldiers died of it, though they were often in the infected quarters.

A day of thanksgiving ordered for the success at Bristol,

and a collection for the poor there; and a letter of thanks to sir Thomas Fairfax and his officers and soldiers, and a committee appointed to consider what reward is fit to be given them.

The house sat in the afternoon about private petitions.

18. Debate about besieging Chester.

The speaker rose, not being well, and the house sat in a grand committee in debate of the business of the church.

A paper published, taken in the king's cabinet at Naseby fight, wherein the earl of Portland, late lord treasurer, acknowledgeth to have received of the king's gift ten thousand pounds, and in gratuities, which some call bribes, thirty-three thousand five hundred pounds more, and the king's hand was to it in allowance of it.

Letters from the marquis of Argyle and others to the Scots commissioners here, and communicated to the house, informed that they had cut off all Montrose's foot, and routed all his horse, taken many prisoners and some general officers; that lieutenant-general David Lesley was prosecuting the victory. Montrose.

Sir Anthony Ashley Cooper professed his great affection to the parliament, and his enmity to the king's party, from whom he had revolted, and was now in great favour and trust with the parliament.

19. A letter of thanks to sir Thomas Fairfax passed, and another to lieutenant-general Cromwell.

Order for the ministers in and about London the next Lord's day, to give thanks to God for the late good success against Montrose in Scotland, and some of their members were sent to the Scots commissioners to congratulate this victory.

Order for employing the horse under colonel Jephson, till they be ready to be transported into Ireland,

About six hundred in Sussex were risen in the nature of clubmen, but well armed, and declared for the king; the house referred it to the committee of both kingdoms to take special care for the suppressing of them. Clubmen.

The clubmen of Devonshire declared for the parliament, killed the governor of Barnstable, sir Leven Apsley, and divers of his party.

I attended the committee of the three counties and the

committee of garrisons, where was a proposal to take off all contributions to garrisons which were insolently collected, and in lieu thereof to have money raised for them by a new excise of ale and beer, which would countervail all the contributions; and generally at the committee they approved of this proposal, being weary of the soldiers' insolency in collecting of their contributions.

Courts of wards.

20. The grand committee for money sat, and after much debate voted that the court of wards and all the tenures except soccage should be taken away, and in lieu thereof should be raised in England and Wales 100,000*l.* per annum; this was confirmed by the house, and ordinances appointed to be brought in for this purpose, and to free from wardship those whose fathers died in the service of the parliament.

I made report of the answer which I drew to the Scots papers, and a day was set for the debate of it.

An ordinance for money for Portsmouth.

Sir Thomas Fairfax with his army advanced towards the Devizes, the king from Worcester attempted to go to Oxford, but was hindered by major-general Pointz.

22. Order for money for soldiers' widows.

Disabling of sir Ralph Verney to be a member of parliament, and an order for a new election at Aylesbury.

Orders for raising money and forces.

Major Young dispersed the clubmen in Sussex, took two ministers, leaders of them, and divers other prisoners.

News came from Oxford that prince Rupert and colonel Leg were confined, and sir Thomas Glenham made governor there: major-general Pointz took about one hundred of the king's horse.

Being ill, I was visited by the earl of Middlesex, the earl of Clare, the lord Wenman, sir Robert Jenkinson, Mr. Maynard, and divers others of my kind friends.

Mr. solicitor St. John sent me half a stag, and a message to inquire of my health.

Scots.

23. Order, that the Scots army be desired to sit down before Newark, and that they gather no contribution nor levy any tax in England. Another order for money for their army.

Upon a letter from sir Thomas Fairfax of the good service of Mr. Ash and Mr. Moore in Somersetshire, they had the thanks of the house, they being members of it.

Letters informed of the taking of the castle of the Devizes by lieutenant-general Cromwell, surrendered to him upon conditions, and in it five pieces of ordnance, provisions for a year, and store of arms: they gave the messenger of this news twenty pounds. Cromwell.

Letters informed of the storming and taking the outworks of Chester, wherein colonel Jones, who commanded the parliament's horse, with captain Louthan, who commanded the foot, drew off over night, and fell on the next morning early, and stormed before they were discovered. Chester.

The messenger had ten pounds for the good news.

The Scots pursued their victory against Montrose, and blocked him up in Douglas-castle: they took and killed between two and three thousand men, and took a book, wherein were the names of all such as intended to come in to them, and thereby were all discovered.

Debate of the business of the church.

The house being informed of an intended petition for establishing presbytery as the discipline of Jesus Christ, they voted it to be scandalous. Presbytery.

25. I durst not go abroad, being not well; but I had the news from the house, that, upon a petition from some Cheshire men, sir William Brereton was appointed to command the forces which he formerly commanded for four months longer, and ordered money for those forces.

Order, that none shall sit as committee-men who have been against the parliament, till the house allow it.

Sergeant Glanville disabled to be a member of the house for his delinquency.

Votes for several high sheriffs.

Glamorganshire-men declared themselves for the parliament, and took in Cardiffe-castle, sixteen pieces of ordnance, store of arms and ammunition.

The king came to Ludlow, in order to relieve Chester, and major-general Pointz followed him. 174

I was visited by the lady Willoughby, the lady Thornhill, and the countess of Holland: I set down these little things to shew how men will be caressed if they are thought capable to do any favours.

26. Prince Charles sent a letter to sir Thomas Fairfax for a pass for the lord Culpepper and lord Hopton to go to the Prince Charles.

king, to advise him to comply with the parliament: the letter was sent by sir Thomas Fairfax to the lords, they communicated it to the commons.

Colonel Devereux took in Lacocke-house in Wiltshire upon conditions.

Letters from major-general Langherne informed that he had cleared Pembrokeshire for the parliament, and he desired supplies of men and moneys; for which, order was given, and the house gave to him the estate of Mr. Barlowe a delinquent.

Order for the ministers, the next Lord's day, to give thanks to God for the good success of the parliament's forces in Pembrokeshire, at the Devizes and Lacocke-house.

Debate of the business of the church.

Scots army. 27. Care for money for the Scots army.

A report of the causes of their withdrawing from Hereford, Montrose's success in Scotland and other eminent matters occasioning of it.

Mr. Swinhoe committed to the Tower.

Defeat at Chester. Letters informed, that the king, with about five thousand horse and foot, advanced to relieve Chester; major-general Pointz pursued close after the king, and within two miles of Chester engaged with the king's whole body, was at the first worsted, but made good his ground upon the retreat.

In the meantime colonel Jones, with five hundred horse, and adjutant-general Louthian, came from the leaguer before Chester to the assistance of Pointz, giving notice of their coming by shooting off two great guns; and by that time Pointz had rallied his forces; then Pointz in the front and Jones in the rear charged, and utterly routed the king's whole body.

The king, with about three hundred horse, fled into Chester; and the pursuit was so violent, that he immediately left the town and fled into Wales: the rest of his party were utterly dispersed, killed, and taken.

In the fight and pursuit were slain the lord Bernard, earl of Litchfield, and one other lord, two knights, one colonel, with above four hundred more officers and soldiers.

There were taken prisoners eleven colonels, most of them knights, seven lieutenant-colonels, five majors, about forty other officers, and one thousand common soldiers, and one

hundred horse and sixty prisoners taken by the country after the rout, store of arms and pillage.

Some members of the house sent to sir Thomas Fairfax to the Bath, to advise with him about the prosecution of this victory, and a day of thanksgiving was appointed for it, and they gave a present of five hundred pounds to major-general Pointz.

Berkley-castle was rendered to the parliament by sir Charles Lucas upon articles.

Lieutenant-general Cromwell disarmed and dispersed the Hampshire clubmen about Winchester.

I continued very ill, and was visited by my lord Willoughby, sir Christopher Wray, Mr. Selden, the countess of Kent, Mr. Hollis, sir Philip Stapleton, sir William Lewis, and divers others my noble friends and persons of great interest.

29. Mr. Wolchier, a delinquent minister, sent for to answer about a scandalous sermon preached by him.

An ordinance debated for settling sir John Winter's estate on major-general Massey.

Mr. Tomlins made the cursitor baron of the exchequer.

Order, that one thousand pounds per annum be allowed to each of the judges in lieu of their former fees and profits. Judges.

Colonel Parsons made a particular relation to the house of the late fight at Chester, and they gave him one hundred pound to buy him horses, and referred it to the committee of both kingdoms to prosecute this great victory.

The Scots army did not sit down before Newark as they were desired, but marched on towards Newcastle. Scots.

30. The account of auditor Wilcox of the late army under the earl of Essex was disallowed.

Orders touching money for payment of tradesmen, and of a ship employed by the lord Inchiquin.

Both houses agreed that sergeant Rolls should be a judge of the king's-bench, sergeant Pheasant a judge of the common pleas, and sergeant Atkins a baron of the exchequer. Judges.

At a conference the commons desired that the lord Savile might be recommitted to the Tower.

The house sat in a grand committee about the ordinance for sale of delinquents' estates.

Lieutenant-general Cromwell came before Winchester, and

found the town fortified; but after a short dispute he fired the gate, and his men entered, and he began to batter the castle with two great guns.

Oct. 1645. 1. A collection ordered for the maimed soldiers.

Propositions from the Scots commissioners for the sudden settling of religion and peace: the positive answer of the Scots commissioners was desired touching their sitting down before Newark.

Sir Thomas Fairfax marched towards Exeter; the regiment of Welden, Ingolsby, and Fortescue, were sent before to join with Massey, who had some skirmishes with Goring's forces, and at Dalverton took divers horse and prisoners, colours, and killed eighteen of Goring's men.

Plymouth was beleaguered by the king's forces, but in no want.

Colonel Fleetwood was made governor of Bristol, major Harrison to be colonel of his regiment, colonel Birch made governor of Bridgewater, and major Ayres of the Devizes.

Colonel Moore, governor of Gaunt-house, with two hundred horse, fell upon five hundred of the king's at Kidlington, three miles from Oxford, routed and pursued them to Oxford, took prisoners Mr. Sackville the earl of Dorset's son, one of the king's pages, prince Rupert's chaplain, and twenty soldiers.

A party of about three hundred of the king's horse did great mischief in Northamptonshire, and plundered all the horses they could meet with.

2. The day of public thanksgiving, Mr. Lane, Mr. Maynard, and others of my friends, rejoiced with me at dinner.

175 Intelligence came that the king was in Denbighshire, gathering forces, and that prince Maurice was to come to him to endeavour again the relief of Chester: that major-general Pointz had sent some parties after the king, who had taken some of his men.

Major-general Pointz wrote for supplies, and five hundred horse, one thousand dragoons were ordered to march forthwith to him.

Montrose fled into the mountains in Scotland, and lieutenant-general Lesley pursued him.

3. Farlegh-castle, in Somersetshire, was surrendered by colonel Hungerford to the parliament's forces.

Major-general Browne invited me to an entertainment in Fish-street with sir John Danvers, the earl of Clare, lord Fairfax, Mr. Martin, and many other parliament men.

4. The composition of sir John Borlace for his delinquency was debated, and not accepted by the house, though 2400*l.* The house gave general rules for compositions. Sir John Borlace.

Forces ordered to advance to major-general Pointz, and to join with him.

1000*l.* ordered for the Nottingham horse, who fought gallantly at the late fight at Chester, and other sums for other of his forces.

Letters from colonel Overton certified the surrender of Sandall-castle upon conditions to the parliament, with their ordnance, arms, and ammunition.

6. The Scots army again ordered, to be desired to sit down before Newark, and then to have 30,000*l.* paid them. Scots.

Care for money for lieutenant-general Pointz's forces.

Sir Thomas Fairfax advanced westward.

Goring had about seven thousand horse well armed with arms from France.

Votes for compositions of delinquents.

7. Orders for money, and recruits for the army.

Letters brought by Mr. Peters from lieutenant-general Cromwell certified, that after he had entered Winchester town he summoned the castle, who denied; then he planted six guns, and after firing them round, sent a second summons for a treaty, which they refused: that he made a breach with two hundred shot, and then the governor beat a parley, which was agreed to; and colonel Hammond and major Harrison, for Cromwell, agreed upon articles for surrender of the castle, which was well manned with six hundred and eighty horse and foot, near two hundred gentlemen officers and their servants, victualled with fifteen thousand weight of cheese, store of wheat and beer, twenty barrels of powder, seven pieces of cannon; the works exceeding strong: eight hundred pounds of butter, one hundred and forty quarters of wheat and meal, seven thousand weight of biscuit, great store of other provisions, arms, and ammunition. Winchester taken.

The messenger of the good news had fifty pounds given him.

An ordinance read for borrowing 40,000*l.* of the gentry in

London and Westminster, and in the adjacent counties, for pay of the army, and orders for the recruits of it.

Mr. Peters was called in, and made a particular relation of the taking of Winchester-castle.

8. Debate of the business of the church.

Colonel Devereux petitioned, that he could not march to major-general Pointz, according to the orders, for want of money; and he was sent for up to the house.

Some papers from the king of Denmark's agent were received and laid by.

Orders touching alderman Warner, and about compositions of delinquents.

Votes. Votes, that the general of the Scots army in this kingdom had no power to grant commissions to any persons for raising forces here. That such commissions were void, and that no Englishman ought to take them.

Scots. Here the discontent towards the Scots began to grow among the parliament men.

The king came to Newark; colonel Web and colonel Manwaring, with one thousand horse and dragoons, joined with lieutenant general Pointz.

Sir William Middleton and lieutenant-colonel Mason fell upon a party of prince Maurice's horse in Montgomeryshire, took colonel Rouse, other officers, twenty-three prisoners, thirty horses, and arms.

9. The house ordered 500*l.* for colonel Mitton in part of his arrears.

Order for a sequestered house for the lord mayor of London.

Intercepted letters sent up by major-general Pointz.

Order for forces to join with major-general Pointz.

Ordinance sent up to the lords for borrowing 40,000*l.* of the gentry, &c.

Care for money for several garrisons.

Lieutenant-general Cromwell sat down before Basing-house, and colonel Pickering before Langford-house.

Major-general Browne was chosen burgess for Wicomb.

Langford-house was deserted by the garrison of the king; sir Thomas Fairfax advanced within twenty miles of Exeter, and Goring retreated further west.

The king went from Newark over the Trent, colonel Rositer and colonel Lidcot followed him.

10. The house sat in a grand committee about the Scots papers, and voted, that the Scots army, not engaging against the enemy, according to the desires of both houses of parliament, was prejudicial to the cause for which they desired their assistance, with some other votes. And thus the flame increased between them and the parliament. Votes. Scots army.

11. The grand committee sat about the Scots papers.

An ordinance touching the composition of the earl of Devon.

Orders for money for wagoners, and for new elections, and for such as made their compositions to pass their pardons under the great seal, which was contrived by some of the commissioners of the great seal. Great seal.

13. Debate about the Scots business, and an order for a declaration to be drawn up for the clearing of all differences, and preserving the union of the two kingdoms, according to the covenant. And the house voted, that if the Scots army shall sit down before Newark before the first of November next, then 30,000*l.* will be advanced for them. Differences with the Scots.

They voted also in the business of one Mr. Case, that the Scots army had no power in this kingdom to try an Englishman by martial law, and that Mr. Case ought to have satisfaction herein.

Order for every Tuesday and Thursday weekly, to be set apart, to consider of propositions of peace. 176 Propositions of peace.

The ordinance passed for 40,000*l.* for the army.

Sir Thomas Fairfax, by his council of war, resolved to block up the passages against Goring, and to send forth parties to disturb him, till Cromwell came up, and then to proceed further.

The Scots army were in the bishopric of Durham, Pointz before Chester, Rossiter attended the king's motion.

Wales generally declared for the parliament; colonel Morgan took in Chepstow town, and besieged the castle, and, upon refusing his summons, planted his batteries, made a breach; and then the governor, colonel Fitz-Morris, yielded, and left to colonel Morgan seventeen pieces of ordnance, store of arms, ammunition and provisions. Morgan.

Sir Trevor Williams, and divers gentlemen of Glamorganshire and Monmouthshire, raised fifteen hundred men for the parliament.

14. The grand committee sat about propositions for peace.

King of Denmark. Letters from the king of Denmark, desiring to mediate a composure of the differences between the king and parliament, were considered, and an order made, that the same answer be returned to his letters as was given to the king of France, and to the States of Holland, upon the like occasion.

Consideration of the difference between the earl of Stamford and sir Arthur Haslerigge.

The votes touching the Scots army in the north, and for their sitting down before Newark, sent to the lords.

Orders for money for the army, and to discharge the promise of sir Thomas Fairfax to his soldiers that stormed Bridgewater, of 6*l.* and 10*s.* a man, and for bread, cheese, and biscuit, to be sent to the army.

A messenger brought news of the taking of Basing-house, and had 10*l.* reward.

An attempt was made to storm Chester, but proved ineffectual: colonel Venables was wounded, and forty slain.

15. Colonel Hammond brought a full relation to the house of the taking of Basing, and letters from lieutenant-
Cromwell. general Cromwell certified, that after their batteries planted, and the several posts settled for the storm, his men fell on with great resolution, and took the two houses without any considerable loss.

Basing, &c. taken. That colonel Pickering stormed the new house, passed through, and got the gate of the old house, whereupon they summoned a parley, which the parliament's soldiers would not hear. In the meantime colonel Mountague's and sir Hardress Waller's regiments recovered the strongest work, and beat the enemy from a whole culverin. Then they drew their ladders after them, and got over another work, and the house-wall, before they could enter.

In this sir Hardress Waller was wounded; the parliament had little loss, but their men put many of the king's to the sword, and some officers of quality; the rest they took prisoners; among whom the marquess, sir Robert Peake, with divers other officers, sent up to the parliament.

They took about ten pieces of ordnance, with much ammunition, and encouragement to the soldiers: he adviseth to slight the house, and have a strong quarter at Newbury.

Two hundred prisoners taken, and provisions for some years, and rich pillage to the parliament's soldiers of money,

jewels, and householdstuff; seventy-four of the king's men slain.

Letters were sent to the committees in those parts, to join their forces for the taking in of Dunnington-castle.

The house ordered that the ministers in London should give thanks the next Lord's-day for these good successes.

The lord Digby sent a letter to general Leven touching an overture of peace, and he refused to intermeddle therein without consent of parliament, to whom he sent the letters; and the house returned to general Leven their thanks for it, and ordered a jewel to be sent to him. Leven.

Debate about the government of the church, and voted that the presbytery should not suspend from the sacrament for any other offences than those particularly mentioned in the ordinance; which displeased and disappointed some, who were earnest to give an arbitrary power to the presbytery. Vote. Presbytery.

I did service for the earl of Rutland to procure some allowance to him from the house of commons.

I lived with sir Henry Vane, Mr. Solicitor, Mr. Browne, and other grandees of that party, and was kindly treated by them, as I used to be by the other.

By command of the house I drew a letter of thanks to lieutenant-general Cromwell, and another to captain Dalbyer, and to recommend to them the attempt upon Dunnington-castle.

Colonel Barrow appointed governor of Berkley-castle.

Major Trefusis vice-admiral of Cornwall.

Colonel Devereux took a commission from geveral Leven, which was ordered to be delivered up.

The mayor of Sandwich sent up a letter, which he received from a member of the house of peers, about the election of a new member of parliament there.

The house voted all such letters to be against the privilege of parliament and freedom of elections, and not to be observed. Vote.

17. News came of the taking in of Chepstow-castle, and of the ordnance, arms, and ammunition there. The house ordered a letter of thanks to colonel Morgan, and gave 10*l.* to the messenger, and ordered that the ministers should give thanks to God for it. Chepstow.

Upon letters from lieutenant-general Cromwell, the house Cromwell.

ordered that the motions of sir Thomas Fairfax's army, and of the part of it under lieutenant-general Cromwell, should be left to themselves, for the best advantage of the kingdom: and they continued Cromwell lieutenant-general four months longer.

18. Sir John Heale's fine for his delinquency voted to be 10,000*l.*; 6000*l.* thereof to pay Mr. Pennoyer and Mr. Hill for arms sent by them into Ireland; the rest, for the army and garrisons.

Fifty pounds a week added for relief of maimed soldiers and care for widows.

Colonel Payne. Letters from colonel Payne informed, that he marched with a party from Abington to Farringdon, and was near to have surprised that garrison; and took from them 100 horse, four captains, and other officers, with thirty-six prisoners; slew two of them, and lost but one man.

News came that prince Rupert and prince Maurice with six troops of horse came to Belvoir-castle: that captain Allen with his troop fell upon their rear, and took some prisoners; but he engaging too far received a shot, of which he died.

That colonel Rossiter having notice hereof marched undis-
177 covered, and fell upon the prince's party in their march from Belvoir to Newark; routed them, took sixty gentlemen prisoners, several officers, prince Maurice's banner and trumpet, and forced the princes with one hundred of their company to fly back to Belvoir-castle.

That col. Thornhaugh fell upon sir W. Vaughan's regiment marching from Newark, routed them, and took two hundred of their horse and many prisoners.

A post from lieutenant-general Cromwell brought news of the taking of Langford-house, and that he was gone to sir Thomas Fairfax.

Debate about cutting off the head of the marquis of Winton; referred to a committee to state the business, and whether he had quarter given him.

20. Upon the petition of Mr. Pennoir and Mr. Hill, for payment for provisions sent by them to Ireland, ordered that the profits of the estate of the earl of Worcester, lord Herbert, and sir J. Somerset, should be paid to them in part of satisfaction.

The like order for colonel Doddington.

The ordinance passed both houses touching suspension from the sacrament.

Letters from colonel Copley informed, that he having beaten up the enemy's quarters at Wealsop in Yorkshire, and hearing that they were fortifying the manor, he marched thither with all his body of major-general Poyntz's horse, which so frighted them, that Copley took some of their men and pioneers. Copley.

That two days after this the king sent the lord Digby and Langdale northward, who got to Ferrybridge, and surprised four hundred of the parliament's party at Sherburn, with their arms, and shattered colonel Wren's regiment of horse.

That he engaged their whole body about Milford, routed and pursued them three miles, slew colonel Cornaby, col. Hutton, several officers, and forty others; took prisoners four colonels, many inferior officers, gentlemen, and reformados, and between three and four hundred troopers; the countess of Nidesdale, the lord Digby's coach, the king's chirurgeon, and very much good pillage. Divers letters and papers taken in the lord Digby's coach; among which was a letter to a member of the house, who was thereupon dismembered. The messenger had 40*l.* given to him.

I did service for the earl of Rutland to procure some allowance to him from the house of commons.

I dined with sir Henry Vane, Mr. Solicitor, Mr. Browne, and other grandees of that party, and was kindly treated by them, as I used to be by the other.

21. The lords agreed to the declaration concerning the Scots army, and to several ordinances for money, and for continuance of lieutenant-general Cromwell in his command.

A committee named to consider what garrisons were fit to be slighted: a very acceptable vote to many of the house.

Debate touching propositions for peace.

22. Order, that such as came from the king's quarters, and did not within two days discover themselves, should be proceeded against as spies.

Orders for pay for forces to besiege Newark, and for exchange of prisoners.

Clothes were desired for the Scots foot, intending to besiege Newark.

Books. Orders for colonel Welden to be governor of Plymouth for giving sir John Banks's books to Mr. Maynard, and the books [of] Mr. Vaughan of Lincoln's-inn to Mr. recorder Glyn.

Letters read that were taken in the lord Digby's coach: some of them ordered to be published: as, that of the king to the marquis of Ormond touching the Irish rebels, and one touching the earl of Thomond; upon which his estate here was ordered to be sequestered.

Letters informed the taking of Tiverton-castle.

Fairfax. 23. The house received letters from sir Thomas Fairfax of the motions of his army in the west, that the enemy designed, with two thousand horse, to break through his quarters towards Oxford.

That they taking the darkness of the night passed by his guards, fell into the quarters of his dragoons, and took fifty prisoners.

That he marched after the enemy with his whole army, lay in the field all night, to prevent their going by him, and quartered part of his army along the river Ex, near to Exeter, to prevent the enemy's return, and with the rest marched to Tiverton, where major-general Massey was sent before.

Tiverton stormed. The governor of Tiverton resolving to hold out, sir Thomas Fairfax resolved to storm it; and after the morning sermon on the Lord's-day, one of his cannoniers with a great shot brake the chain of the drawbridge, whereby it fell down, and the parliament soldiers immediately entered, and got over the works with little opposition.

The enemy fled into the castle and church, and had quarter for their lives.

Colonel sir Gilbert Talbot and about two hundred more were taken prisoners; and they found there four pieces of ordnance, and forty barrels of powder, thirty-four officers, one hundred and sixty-eight common soldiers, a spy, and a minister.

Order for recruits for the army.

Order that the earl of Devon being beyond seas should return by a day.

Order to sequester the estates of such as refused to pay taxes in Sussex.

24. An ordinance for disfranchising of some of Bristol, and settling the government there and the militia.

Ordinance touching ordination of ministers, and others touching moneys.

The jewel provided for sir Thomas Fairfax appointed to be presented to him by a member of the house.

A messenger from sir Thomas Fairfax related that he was before Exeter, and a number of clubmen of Devonshire under colonel Popham assisted him.

25. New high-sheriffs named, and writs for new elections granted.

The commissioners sent to the Scots army about their delivering up the places garrisoned by them, had the thanks of the house for their good service.

Lieutenant-general Poyntz besieged Newark, where the king was, and prince Rupert and prince Maurice.

Consideration of differences between the committee of Derby and sir John Gell.

27. Both houses agreed in making the speaker master of the rolls. The speaker made master of the rolls.

Order for all commanders of forces to be under sir Thomas Fairfax.

Colonel Dalbier named to command the forces for besieging Dunnington-castle.

Letters informed the taking of Carmarthen by major-general Langherne, whereby the whole county was reduced, and so was Monmouthshire, by taking of Monmouth town and castle by colonel Morgan, in which they had seven pieces of ordnance and store of ammunition. Carmarthen and Monmouthshire reduced.

Order for thanks to God for this success, and a letter of thanks to colonel Morgan: sir Trevor Williams was made governor of Monmouth. 178

The house gave 1500*l.* to Mr. Green, chairman of the committee of the navy, and 500*l.* per annum for the future, for his service at that committee; a reward which few others obtained.

28. Mr. Browne made a speech in the king's bench, and then swore Mr. Justice Rolle to be one of the judges. Rolles and Pheasant made judges, and Atkins a baron.

Sergeant Pheasant was sworn a judge of the common pleas, and sergeant Atkins a baron of the exchequer; Mr. Solicitor and sergeant Wild made speeches to them.

Goring went out of Exeter with one thousand horse before

Cromwell came up thither, upon which sir Thomas Fairfax drew off part of his forces after him.

30. The lords sent their concurrence to the commons in several ordinances for the government of Bristol, for the Isle of Wight, and for Westminster college.

The commons ordered new elections for knights in Bucks, and for other places.

A pass for sir William Vavasor.

Upon a letter from sir William Vavasor, prisoner to the parliament, he had a pass to go beyond sea, engaging never to return to take up arms against the parliament; and they ordered, that if any who have passes to go beyond sea shall return, and take up arms against the parliament, they shall have neither pardon nor quarter.

Goring went to the further part of Devonshire, and sir Thomas Fairfax returned towards Exeter, where Goring had burnt most part of three parishes to make the rest more tenable.

The garrison of Chester made divers resolute sallies upon the besiegers, and were beaten back, and the forces of major-general Poyntz slew many of them in the streets.

Sir William Byron routed.

Sir William Byron (the lord Byron's brother) got together four hundred horse about Holt-castle; upon notice whereof, colonel Jones drew out a party of horse from before the leaguer, fell upon the enemy in the field, who worsted the forlorn hope of Jones, but he rallied them, and, after a sharp dispute, routed them, took sir William Byron, and others of quality, prisoners, divers troopers, slew forty, and took forty horse.

Sir William Manwaring was slain by the parliament forces in Chester-street.

Gerrard and Bellasis disagree.

News was brought of a great difference between colonel Gerrard and the lord Bellasis, governor of Newark, about the lord Digby, and the king had much ado to reconcile it.

31. An ordinance passed for putting in execution the seal for Lancaster.

Dr. Oldesworth was bailed, upon good security, to speak or act nothing prejudicial to the parliament.

Order for the covenant to be tendered to all that come in to compound for their delinquency, and such as refuse it to be secured.

The gentlemen of Bucks withdrew to consider about the

business of the country, and Mr. Fountain carried himself very high.

Letters from colonel Rossiter informed that prince Rupert, prince Maurice, col. Gerrard, the lord Hawley, sir Richard Willis, and about four hundred other gentlemen of quality, (the meanest whereof was a captain,) had laid down their commissions, deserted the king, and betook themselves to Wotton-house, fourteen miles from Newark, where they stood upon their guard. Prince Rupert, prince Maurice, &c. leave the king.

They subscribed a declaration, that if they may obtain from the parliament a pass to go beyond sea, they will engage upon their honour and oath never to return to take up arms against the parliament, and sent to colonel Rossiter to acquaint him herewith: the messenger informed that the prince had sent to major-general Poyntz to the same purpose, and offers of surrendering of Welbeck-house to him.

The house referred this matter to the committee of both kingdoms, to report their opinions what was fit to be done in it.

News came that sir Thomas Fairfax set his posts for besieging of Exeter, that Cromwell was come up to him, and a party sent out to drive Goring further into Cornwall; and that Plymouth was in good condition.

1. An ordinance passed concerning the composition for fines in the court of wards, and for signing of bills, and passing them under the great seal. Nov. 1645.

An ordinance for the government of Bristol sent up to the lords.

The house approved of sir Anthony Ashley Cooper to be high-sheriff of Norfolk, and of other sheriffs.

Letters from colonel Rossiter, with one enclosed from prince Rupert, desiring passes for him and his brother, and the rest before-mentioned, to come to London, and from thence to go beyond sea, engaging their honours never to return to take up arms against the parliament: upon debate thereof, and the report from the committee of both kingdoms, who thought this fit to be done, ordered that colonel Rossiter should grant them passes accordingly. Passes ordered for prince Rupert, &c.

Letters to the Scots commissioners informed, that the lord Digby and Langdale, with eight hundred horse, advancing

towards Scotland to join with Montrose, were fallen upon at Carlisle-sands by a party of the Scots forces under sir John Browne, who, though less in number, after a sharp dispute, routed Digby's party, killed an hundred on the place, took two hundred of their horses, divers officers, three colours, and many prisoners, dispersed the whole party, and Digby and Langdale fled into the Isle of Man.

Digby and Langdale routed.

3. The form of a pardon for delinquents sent up to the lords.

Order touching their compositions.

Order about a convoy for a Spanish don to be transported into Flanders.

Orders for raising moneys, and for the lord Buckhurst to have the fifth part of the earl of Dorset his father's estate.

Other letters taken in the lord Digby's cabinet at Sherbourne were read, touching persons employed to get foreign forces to assist the king.

Intelligence that many of the king's forces came in to sir Thomas Fairfax;

And that since the defeat of the lord Digby at Carlisle-sands, some of his scattered forces were met with near Dumfries in Scotland, where sir John Browne took an hundred more of them; colonel Briggs took two hundred of them about Beeston-castle, and major-general Vandruske took an hundred and eighty more of them in Westmoreland.

I was at several conferences of council with Mr. Solicitor, Mr. Recorder, Mr. Browne, Mr. Bradshawe, Mr. Hales, and others, in the business of sir Jo. Danvers and of captain Limrey.

179 Debate in the house touching propositions for peace.

Orders to prevent transporting of Irish rebels to assist the king here, and for money for the forces before Dunnington.

Letters from colonel Mitton, colonel Jones, and colonel Louthaine, informed, that one thousand seven hundred horse and seven hundred foot, under sir William Vaughan, designing to relieve Chester, the council of war of the besiegers ordered to draw forth a party to meet them before they came near Chester;

That one thousand four hundred horse under colonel Jones, and a thousand foot under Louthaine, all commanded by Mitton, yet leaving the works manned before Chester, marched

Vaughan routed by Mitton.

to the king's party near Denbigh, and after several hot engagements routed Vaughan's party, took about five hundred horse and four hundred foot, slew above an hundred, and pursued them six miles, not above an hundred of them left together.

That major-general Langherne had taken in Aberathwait, a strong garrison of the king's in Cardiganshire, and in it two pieces of ordnance, store of arms, and ammunition.

The house gave 50*l.* to the messenger of this good news, and ordered a letter of thanks to colonel Mitton and the rest for their good service.

The countess of Holland engaged me to acquaint the speaker, which I did before the house sat, with the coming to town of her daughter the lady Isabella Thynne.

5. The day of thanksgiving for the deliverance from the gunpowder treason was solemnly kept.

Sir Thomas Fairfax, by reason of the bad weather and want of provisions, drew off his forces to a further distance from Exeter, but still continued blocking up of the city.

Letters from major-general Poyntz informed the taking of Shelford manor near Newark, and the earl of Chesterfield's house.

The garrison within were very resolute, refusing summons and quarter, so that of two hundred the greatest part were slain, and the governor, the earl of Chesterfield's son, wounded: there were taken four colours of horse, two of foot, store of arms and provisions.

This day of solemnity, Mr. Hollis, sir William Lewis, and sir Philip Stapleton took me to dinner with them at a tavern near the Exchange, where colonel Harvey and some other citizens provided good entertainment, and paid the scot.

6. The grand committee sat about propositions for peace.

Debate in the house about regulating the university of Cambridge.

Order for money for Abington garrison.

Colonel Dalbier marched with the forces of the three counties to meet with the Hampshire forces at Newbury, for the besieging of Dunnington-castle.

Intelligence came that the king by night got out of Newark, and was come to Oxford. The king to Oxford.

Mr. Fountain and Mr. Scot brought colonel Fleetwood, one

of the new knights of Bucks, into the house with great triumph, though the election was but yesterday.

7. Order for Sussex to send a troop of horse to Abington, and for allowances for preaching ministers in Gloucester.

A petition from Bucks against the election of their new knights, as not free, by reason of the garrisons in that county, and other obstructions and passages, referred to a committee.

The lord Cromwell revolted from the king to the parliament, and was by the lords committed to the black rod.

Letters from Scotland informed that Montrose keeps the mountains, and that lieutenant-general Lesley returned from Scotland to Newcastle.

8. Debate upon a declaration touching matters of the church.

Musgrave's petition referred.

An ordinance debated touching stipends for the officers and attendants on the king's and prince's households.

The grand committee sat in the afternoon about the East India Company.

10. Debate of a declaration from the assembly touching church government.

The pass agreed upon for prince Rupert and the rest of the commanders who desired with him to go beyond seas.

Sir John Burlace's composition agreed, and 300*l.* of his fine assigned for the garrison of Abington, and the fine of the lord Downes also.

Order for a new election for Hampshire.

Order to take off the fine formerly imposed by the star-chamber upon lieutenant-colonel Lilburne, and for the arrears due to him to be audited.

The ordinance passed for ordination of ministers.

The lord Wharton and other commissioners returned from Berwick.

I persuaded the commissioners of excise to advance 10,000*l.* for major-general Browne.

Sir John Meyrick and much company at supper with me.

11. The grand committee sat about propositions for peace.

The house voted that lieutenant-colonel Bulstrode should be governor of Aylesbury.

Bolton-castle, the lord Scroop's house in Yorkshire, was

surrendered to the parliament upon articles, and in it store of ammunition and provisions.

12. The commissioners who treated with the Scots about surrendering the garrisons in their possession in England, had the thanks of the house for their good service.

The house voted to insist upon this demand, and that a letter be sent to the parliament of Scotland from both houses here, for this purpose.

Orders for money and supplies for the Scots army intending to sit down before Newark.

Order for a new election in Surrey.

Letters informed the taking of Worton-house upon articles, and that Welberke-house was agreed to be slighted, upon condition of slighting of Tickhil-castle and Belvoir by the parliament's forces.

Dalbier was at Aldermaston, and forbore to sit down before Dunnington-castle till he had more forces, because of the king's coming to Oxford.

I carried up several ordinances by command of the commons to the lords.

13. Debate touching the propositions for peace.

An ordinance passed concerning such delinquents as come in to the parliament from the king's quarters, to declare to a committee where they lodge, &c.

Major Blundel with a party from Abington fell into the quarters of a party of the king's lifeguard near Wallingford, 180
and took eighty horse and prisoners.

14. The lords concurred in several ordinances touching Westminster college, for freeing noblemen's parks from taxations, and for supplies for forces.

A message from the assembly of divines to approve the translation of the Psalms by Mr. Rouse, for which they had thanks.

Ordinances for reimbursing the commissioners of excise moneys advanced by them for the forces of major-general Poyntz, and for those before Chester.

A regiment of the king's horse under the lord Ashton were routed by the Stafford horse; the lord Ashton wounded and taken prisoner, with many others; an hundred horse taken, and divers killed.

Youghall was distressed for want of victuals, and in danger of being taken by the rebels.

I attended as counsel in the lords' house, and after dinner with Mr. Hollis and his company I attended the committee of privileges, and (as was usual) had much company with me in the evening.

15. Upon sir John Heal's petition, the house accepted of 6000*l.* for his delinquency.

The commons desired the lords to pass the ordinance for sale of delinquents' estates, and passed orders for moneys for the army, and for the forces of major-general Poyntz and others.

Confirmation of the taking of Wiverton by the parliament's forces.

17. Upon the petition of the officers late under the earl of Denbigh, it was referred to a committee to consider of their arrears, and a way to pay them.

The election of Mr. Tanfield Vashell for Reading voted to be void for miscarriages, and denying the poll, and a new election to be there.

Letters from Wales informed, that the Glamorganshire forces, joining with a party of major-general Langherne's, have in several encounters defeated two thousand of the king's forces, and beat off general Stradling from any recruits; and that the governor of Cardiffe defeated another party of the king's under Mr. Herbert; and that generally the Welsh declared for the parliament.

Mr. Buchy Manfield ordered to command the forces in Glamorganshire, and Mr. Pritchard to be governor of Cardiffe, and Mr. Phil. Jones governor of Swansey.

Letters from the north informed, that major-general Poyntz and colonel Rossiter were before Belvoir-castle; that many from Newark came in to them; that the Scots army are upon their march to besiege Newark.

About sixty of the king's forces coming to Ledbury in Herefordshire to take up quarters, fifteen of Mr. Hopton's men, who had taken up two great plunderers in those parts, rencountering the king's forces, charged them through, killed two of them, and took four prisoners; and in their retreat from thence to Gloucester, they fell upon another party of the

king's, who were driving two hundred cattle to their garrison, which these fifteen troopers rescued, and restored to the countrymen, having routed their convoy.

I attended the commissioners of the seal in a committee, to consider of the test of writs in the several courts, and of an ordinance to disable those judges who deserted the parliament.

In the evening, I found at my lodging the lord Wenman and his lady, Mr. Winwood, the lady Willoughby, the earl of Lincoln, and divers others.

18. Debate touching propositions for peace.

Order for the next summer's fleet as the last, and for the committee of the navy to name the officers and ships &c. to the house, all to be prepared by January.

Dr. Walker referred to the committee of the admiralty, to give an account of his transactions in Flanders.

Letters from prince Charles to sir Thomas Fairfax. Answer of Fairfax.

Prince Charles sent a letter to sir Thomas Fairfax, for a pass for Hopton and Culpepper to go to the king, to persuade him to comply with the parliament. Sir Thomas Fairfax sent a very respectful answer to the prince, and advised him to disband his army as the best way for him, his posterity, and friends, which if he would do, that sir Thomas Fairfax himself would safely convoy him to the parliament.

His answer to Goring.

Goring sent colonel Ellyot and colonel Scroop to sir Thomas Fairfax, to desire a treaty; he answered, that if he would treat in reference to military affairs, as surrender of garrisons, exchange of prisoners, or the like, he would consent to it, otherwise he must refer him to the parliament.

Presbyterians' petition.

19. A petition from divers of the common-council of London, that the government of the church may be speedily settled and observed; and that greater power might be given to the *ministers and elders* than was established by the parliament, according to the warrant of the word of God; and about suspension from the sacrament; and about the suppression of schisms and heresies.

This petition was thought to be contrived by some presbyterians, and the house, after a long debate upon this petition, appointed some of their members to withdraw, and to pen the answer to the petition according to the sense of the house; which was done and agreed unto, to this effect:

Answer to their petition.

That the house had already taken much pains in debating of church government, and they conceived the city and common-coun-

cil was informed falsely of the proceedings of the house, else they would not have precipitated the judgment of the parliament in this business: however, they take it as a good intention of the petitioners promoting this business.

Another petition was from divers ministers of London to the same effect.

The house referred it to the committee of examinations, to find out the design of this day's petitions concerning church government, and who were the advancers thereof; and they sent two of their members to the petitioners, to tell them they need not attend any longer for an answer to their petition, but to go home, and look to the charges of their several congregations.

A letter from sir Thomas Fairfax of thanks for his jewel, and giving account of his army, with a proposition to send seven or eight thousand eastward, if the house think fit.

Vote of the Oxford parliament.

The anti-parliament at Oxford declared the commissions of the judges under the great seal at Westminster, and their lawyers pleading there, to be high treason, and that great seal to be void.

Petition to the lords.

20. The like petitions were presented to the lords as had been to the house of commons, by some ministers and some of the common-council, concerning church government, and
181 alderman Gibs made a long speech to them: the lords promised to take the petitions into consideration.

Debate about propositions for peace.

Order about the garrison of Bristol.

Reference to a committee, to consider of a way to recompense the county of Gloucester for the great charges they have been at for a long time.

Beeston-castle was surrendered upon articles to sir William Brereton's forces.

Inchequin relieved Youghall in Ireland, as was certified by letters.

I attended as counsel in the king's bench, the chancery, the court of wards, and the lords' house. There dined with me the lord Wenman, Mr. Pierpoint, sir Edward Ashby, sir Edward Vowell, sir Christopher Wray, Mr. Crew, Mr. Potley, Mr. Woolaston and his wife, captain Cranley, Mr. Smith, and Mr. Wickers, and I had often store of company with me.

21. Debate touching religion.

A *habeas corpus* ordered for a servant of a member of the house of commons apprehended by a warrant of the lords.

Major-general Skippon made governor of Bristol.

Debate between the two houses touching a lord who had broken the privileges of the house of commons.

A committee of both houses named to examine the letters of the lord Digby.

The king's forces plundering about Uxbridge caused the guards at London to be doubled.

22. Proposals from prince Rupert and those with him who desired passes to go beyond sea, that they might come to London, or any of the parliament's quarters, and be free from arrests, &c., were not consented to, but both houses adhered to their former votes in this matter.

Letters from the governor of Reading informed the king's design to send parties as a flying army to plunder in those parts, referred to the committee of both kingdoms.

Orders for preserving the three counties by forces to be sent thither against this design of the king's forces.

24. The house gave answer to the Scots papers, touching payment of their army, and propositions for peace, in an effectual way; the chancellor of Scotland being to carry those answers with him, to the parliament of Scotland now sitting.

Debate touching church matters.

Orders touching relief of widows who lost their husbands in the war.

An ordinance passed for further relief of maimed soldiers, and for regulating misemployments of hospitals.

An ordinance passed for disabling Heath, Crawley, Forrester, Weston, and Mallet from being judges, as though they were dead.

Letters from major-general Poyntz certified the taking of Belvoir-stable and outworks by storm, with the loss of forty men; by reason whereof, and of the provoking answer of sir Jervas Lucas to the summons, calling the parliament's forces rebels, they gave no quarter to eighty of the king's men in those outworks.

25. Debate about propositions for peace, and care taken for provision for maimed soldiers, widows and orphans of soldiers, and for payment of the debts of the kingdom.

Orders for supplies for the garrison of Plymouth.

An ordinance passed for a new excise upon several commodities not before excised; the money to go to the payment of artificers to whom the parliament was indebted.

Divers of Worcestershire under Mr. Dingley their leader declared for the parliament, and complained of the insolencies and injuries by the garrison of Worcester.

A copy of a warrant from colonel Bard the governor to the constables for contribution was sent up, wherein was this expression:

> Know, that unless you bring in to me (at a day and house in Worcester) the monthly contribution for six months, you are to expect an unsanctified troop of horse among you, from whom, if you hide yourselves, they shall fire your houses without mercy, hang up your bodies wherever they find them, and scare your ghosts, &c.

A party of foot under captain Moor, and one hundred and fifty Gloucester horse, routed a party of two hundred of the king's horse at Lechlade, killed Mr. Duet a Frenchman, two captains, and twenty others; took thirty prisoners, horse and arms.

27. Debate about propositions for peace.

They concurred with the lords for appointing a day of humiliation for the eastern association, and in a declaration and letters to be sent to Scotland, and referring to the committee of the admiralty a letter from the governor of Flanders, and appointing doctor Walker to be advocate of the admiralty.

The lord Byron, governor of Chester, came to a treaty with sir William Brereton, but stood upon very high terms.

Ambassador from Russia.

An ambassador from the emperor of Russia came to London.

Sir John Holland returned from the Low Countries, where he had resided about two years, to be out of the troubles of the times here.

28. The lords debated the ordinance for settling Bristol.

The commons debated the business of the church, and passed a further declaration for suing out of liveries and compounding for wardships.

Reference to a committee to consider of a recompense to the lord Roberts for his good service, and order for 2000*l.* to be paid to him in part of his arrears.

The king's forces plundered cruelly about Bedfordshire, and fired part of the town of Woburne.

I attended the chancery and the house, and after dinner with the earl of Clare I attended the committee of privileges and the committee of petitions, and came late and weary home.

29. Debate of the propositions of peace.

Orders for 4*l.* a week for divers members of the house whose estates were in the king's power.

Debate about the excise.

Most of the gentry in Newark left the town, unwilling to endure a siege.

Sir John Holland came into the house after dinner, with Mr. Recorder and others of that gang.

I recommended colonel Potley to the service of the parliament.

1. Debate about the propositions for peace, and therein voted that sir Thomas Fairfax be made a baron, and 5000*l.* a year settled on him, and his father to be made an earl. December 1645. Sir Thomas Fairfax 182 voted to be made a baron.

That lieutenant-general Cromwell be made a baron, and to have 2500*l.* per annum. The like for Cromwell.

That the earls of Northumberland, Essex, Warwick, and Pembroke be made dukes, and the earls of Salisbury and Manchester to be made marquises. Essex, &c. to be made dukes.

That the lord Roberts, lord Say, lord Willoughby of Parham, lord Wharton, and lord Howard be made earls. Roberts, &c. to be made earls.

That Mr. Hollis be made a viscount. Hollis a viscount.

That sir William Waller be made a baron, and to have 2500*l.* per annum. Waller and others to be made barons.

Sir Arthur Haslerigge to be a baron, and to have 2000*l.* per annum.

Sir Henry Vane senior to be a baron.

Sir Philip Stapleton to be a baron, and to have 2000*l.* per annum.

Sir William Brereton to have 1500*l.* per annum.

Major-general Skippon to have 1000*l.* per annum.

A committee named to consider of matter of privilege of the members, and to examine any complaints of bribery, &c. against any members, &c.

The anti-parliament at Oxford voted againt the Directory, and for the Common Prayer.

Letters intercepted.

Intercepted letters of the king to prince Rupert expressed little forwardness to peace.

I attended some trials at Guildhall, and came from thence to the house; and after dinner with Mr. Solicitor St. John and his company I attended the committee of the three counties, and supped at a tavern with the rest of captain Limrey's counsel at a consultation.

2. Proceedings about propositions of peace.

Letters from general Leven, dated two miles from Newark, desiring money and clothes for his army, whereof present care was taken by the house, and both houses agreed that general Leven should command in chief all the forces, both English and Scotch, at the siege of Newark.

Leven before Newark.

Ordinances passed for the settlement of the government of Bristol.

The Scots took a fort of the enemy at Muschampe-bridge, and so blocked up Newark on the north; and lieutenant-general Poyntz, colonel Rossiter, and others, on the south side of it.

Colonel Ireton and colonel Whaley, with two regiments of horse, sent by sir Thomas Fairfax into Bucks, to stop the incursions of the king's forces.

3. Debate about the church business.

Part of the propositions for peace sent up to the lords for their concurrence.

New high sheriffs named.

The return of Mr. Sandford to be burgess for Cockermouth in Cumberland voted to be void, because the precept and indentures were not returned.

4. Debate about the propositions touching the militia of London.

Order for 100*l.* for Dr. Twisse, prolocutor of the assembly of divines.

Ordinance passed for money for Munster in Ireland, and another for the assembly to meet daily, and proceed upon the Catechism.

A petition of the Hertfordshire men touching tithes, laid aside.

5. Debate about the church business.

Orders for new elections.

A petition and declaration of the county of Brecknock was

read, of their resolutions to comply with and wholly to submit to the commands of the parliament.

A committee appointed to draw an answer to it, of granting their desires, accepting their submission, and commending their resolutions.

A committee of both houses named to reside in the Scots army before Newark.

Ordinance passed for renewing the power of martial law in Kent.

A pass for sir Henry Bruce to go beyond sea, and order for a new high sheriff of Suffolk, and for 300*l.* to Mr. Hancock, in part of his arrears.

Order for paying the disbursements of the commissioners that went to Scotland.

Lathom-house, defended two years by the countess of Derby, was surrendered to the parliament upon articles; and in it were taken twelve pieces of ordnance, all their arms and ammunition, and store of rich prize and pillage. Lathom-house surrendered.

8. Debate touching Ireland, and voted that the government thereof should be in one hand, under one governor, to be yearly chosen.

Order for six thousand suits of apparel to be sent to sir Thomas Fairfax's army.

Thanks returned to the citizens of London for their readiness to advance money for the Scots army and for the public upon all occasions. Thanks to the city of London.

Order touching compositions of delinquents.

The speaker of the house of peers presented a letter to the houses which he received from sir Thomas Glenham, governor of Oxford, and therein one enclosed from the king, desiring that a safeconduct might be granted to the duke of Lenox, the earl of Southampton, Mr. John Ashburnham, and Mr. Jeffery Palmer, to come up to the parliament of England at Westminster with propositions for peace: this was ordered to be debated next day. A letter from the king.

Sir Thomas Fairfax sent another party of horse with major Desborough to join with colonel Whaley in straitening Oxford.

A letter, in answer of that from sir Thomas Fairfax to the prince, was written by the lord Capell to sir Thomas Fairfax, signifying the prince's desire of peace, but that he would not quit his piety and loyalty to the king.

I met at sir John Danvers's house, with the rest of his counsel, Mr. Solicitor, Mr. Recorder, Mr. Browne, and Mr. Hales, in consultation, and at a good dinner.

I supped with sir John Hippesley, where there were many of the house of commons, and much cheerfulness.

9. Order for arrears for sir Thomas Fairfax's officers.

Order for the ministers about London to give thanks to God the next Lord's day for the surrender of Latham-house, and a collection for the poor of Manchester.

Another order for colonel Harvey to have liberty to transport eight hundred and fifty calves'-skins.

Order for 500*l.* for arrears of Dutch officers, and for bailing sir Roger Twisden.

Letters from the Worcestershire committee informed that prince Rupert and prince Maurice, with one hundred and sixty horse, were gone from Worcester, and in the way, meeting with some opposition from that country men under sir Edward Dingley, they slew five of them, wounded others, and so got to Oxford.

Order that colonel Booth, with the Lancashire forces that took in Lathom-house, should join with sir William Brereton before Chester.

183 A ship was taken in Blith-haven, in the north, fraught with cannon, arms, and ammunition for Montrose.

Another ship taken at Burlington-haven, and three at Sutton, loaden with deal and timber, very useful for the siege of Newark.

Answer to the king's letter.

10. An answer agreed upon to the king's letter touching propositions for peace: that the parliament were most desirous of it, could not consent to the coming of the duke of Lenox, &c, into their quarters, because of the danger thereof, but were themselves in consideration of propositions for peace, to be sent by way of bills to his majesty: and herein the Scots commissioners concurred.

The custody of the great seal continued in the present commissioners till the last of next February.

Letters taken, and ordered to be printed.

Some letters and papers of the king's taken at Naseby, relating to Holland, ordered to be printed, and sent over to Mr. Strickland; and the lord Digby's letters, taken at Sherburne, ordered to be printed.

Major Archbold, governor of Cannon-Froome for the par-

liament, fell upon the enemy's quarters at Mava, and took eighty of their horse and riders.

11. Divers of the assembly came to the house, and informed them that a printed paper, in the nature of a remonstrance, was published by the dissenting brethren of the assembly, which they conceived scandalous to them, and they desired they might make an answer to it. Remonstrance by dissenters.

The house named a committee to peruse the remonstrance, and consider of the scandal in it, and by what authority it was published.

Divers being summoned by a forged warrant to appear at London, the house ordered that none should serve any warrant from any committee, but by deputation from the sergeant-at-arms.

Order for slighting the outworks of Wrestel-castle, belonging to the earl of Northumberland.

Mr. Bond made master of the Savoy hospital under the great seal.

Letters informed that sir Charles Coote and sir Robert Steward, with their forces, slew five hundred of the Irish rebels.

12. Debate touching the propositions for peace, and a day set for delinquents to come in to make their compositions; and this order to be published; and that those who came in and did not take the covenants should be taken as spies, and an ordinance to be drawn to enjoin them to take the covenant. Ordinances.

Instructions passed for the commissioners who are to reside in the Scots army, and 1000*l.* ordered to defray their expenses.

An order for money for the forces of Lincoln and of Lynne Regis.

13. An ordinance sent to the lords to make colonel Welden governor of Plymouth.

Order for supplies for that garrison of ammunition and money.

An ordinance committed for establishing the garrison at Abington.

Order for a thousand pair of pistols and three thousand pair of boots to be sent down to the Scots troopers.

The siege was so strait at Chester that in the town they eat horseflesh.

15. Proceedings about the propositions for peace, and in the afternoon upon private petitions; and voted a rate upon French commodities imported, and English exported thither.

Mr. Beddingfield had a pass to go beyond seas, and was released out of his imprisonment by both houses.

Order for 3000*l.*, to pay the fifth part of the arrears of the reduced officers.

I attended the commons' house, and after that the lords' house, and after that the commissioners for the great seal, and did not dine.

16. Some difference of opinion between the houses and the Scots commissioners about the answer to the king's letter for peace.

Reference of a petition of sir Robert Cooke.

Order for 2000*l.* per annum out of the court of wards for the lord Say, in consideration of his losses and great services.

Thirty pounds given to the gallery-keepers at St. Margaret's church.

A party sallied out of Newark, but were beaten back, with four of their men killed; but pursuing too far, captain Peat had twenty of his men taken prisoners.

Another party sallying out of Newark, their captain singled himself out by way of challenge, and was encountered by captain Thorney's lieutenant, his horse killed, and himself taken prisoner.

General Leven left the leaguer and went to Newcastle.

Letters. Letters informed that sir Thomas Fairfax had taken divers of the king's garrisons near Exeter, whereby they were straitened, that his forces took in Fulford-house.

That a troop of colonel Okey's dragoons surprised a ship laden with serges, going to the lord Pawlet.

That divers Cornish men sue to make their peace with the parliament, and that they generally refuse there to give quarter to Goring's men.

Sir Thomas Fairfax sent a regiment of horse and two regiments of foot to take in Corfe-castle, and Dunster-castle was besieged.

The committee of Westminster College gave orders to

draw up a grant for me to be steward of the lands of that college.

17. Another letter from the king was communicated to both houses, wherein he admires they should deny a convoy for those he would send with propositions, telling them of their protestations to agree to peace, and conjures them by the miseries, and blood which hath been shed, and as they will answer it at the dreadful day of judgment, not to delay an answer, and consent to so blessed a work. Another letter from the king.

This letter being the same in effect with the former, the same answer was agreed should be made to both.

Captain Pickering returned from Worcester, where he had been negotiating the business with prince Rupert and his company, who had desired passes to go beyond sea, which was not well carried on their part.

Pickering had 50*l.* more added for his charges; and Fisher, Willis, Honeywood, and Boulton, colonels, who came with him from Worcester, had liberty to go beyond sea or stay in England; and orders were made for security to all who should come in from the king.

Several orders for recruits, money, and supplies for garrisons.

18. Proceedings touching the propositions for peace.

An act read against pluralities of benefices.

A day appointed to consider of the privileges of members, and of the powers exercised by county committees.

A party of fifteen hundred from Oxford and the king's garrisons thereabouts marched out with a design to relieve Chester; but colonel Bridges and others of the parliament forces about Warwick broke down Avon bridge, and other 184
bridges where they were to pass, and lined hedges with musketeers, so that the king's party retreated, and were disappointed of another design against colonel Lidcot.

I attended the house, and dined with the sheriff of London, Kenricke, by invitation, and was desired to bring my friends with me, which I did; as, the earl of Winchelsea and his lady, the lord Wenman and his lady and daughter, the lord Willoughby and his lady, sir Christopher Wray, sir Edward Ascugh, Mr. Maynard, Mr. Hall and his wife, and my wife.

19. Debate touching propositions for peace.

Order for the speaker to write to major-general Langherne to send up sir Walter Lloyd, a prisoner, to the parliament.

The lords sent a petition of the earl of Holland's, wherein he desired forbearance of a rent payable by him to the crown: but, upon the question, it was laid aside, to the great discontent of this earl; and the house were censured to be too forward to provoke particular persons in small matters, and too backward to oblige them.

The house censured.

20. Debate about the government of Ireland.

Perplexed by the Scots.

The Scots commissioners desired there might be a treaty upon the propositions for peace; which was not thought fit by the parliament; who found great interruption in their affairs by the mixed councils of both kingdoms.

A scout, taken in the leaguer before Newark, discovered a new design of the king to relieve Chester.

Letters from colonel Morgan informed, that he, with colonel Birche's forces, in all two thousand, sent a party in the night, disguised, who by stratagem entered Hereford town, surprised the sentinels, and, being seconded by a sudden and fierce assault, Morgan became master of the town in a short time, without opposition, saving a little at the main guard in the body of the town.

There was little loss on either side. They took in the town eleven pieces of ordnance; forty lords, knights, and gentlemen of worth, most of them papists, whom they sent prisoners to Gloucester. They took many officers and the soldiers, and much riches and prize in the town was secured.

21. I went to the earl of Essex, and found with him Mr. Hollis, sir Philip Stapleton, sir William Lewis, and Mr. Long. They urged me to persuade the lord Willoughby not to go his journey to the Scots army: but it was against my judgment, he having given it out so long that he would go; and now to stay would be thought some plot to oppose the house of commons in the Scots business.

The earl of Rutland came in to us, and they fell upon him with persuasions that he should not go as a commissioner into the Scots army; and he seemed willing to stay if the lord Willoughby did go, or to go if the lord Willoughby stayed.

Vote upon the propositions for peace.

22. Proceedings upon the propositions for peace, and a vote that the king's answer shall be desired to them, without any

treaty; and that the same be signified by a letter to the parliament of Scotland, with the reasons why the parliament of England cannot consent to the desire of Scotland to have a treaty for peace with his majesty.

Letters from colonel Birch informed the particulars of the taking of Hereford: The taking of Hereford.

That he hired six men, and put them in the form of labourers, and a constable with them, with a warrant to bring these men to work in the town; that in the night he lodged these men within three-quarters musket-shot of the town, and an hundred-and-fifty firelocks near them; and himself with the foot and colonel Morgan with the horse came up in the night after them, and cut off all intelligence from coming to the town, so that they were never discovered.

That one night they came too short, but the next night, with careful spies and scouts, they carried on the business; and in the morning, upon letting down the drawbridge, the six countrymen and the constable went with their pickaxes and spades to the bridge;

That the guard beginning to examine them, they killed three of the guard, and kept the rest in play till the firelocks came up to them, and then made it good till the body came up, who entered the town with small loss, and became masters of it.

Colonel Morgan's secretary, who brought the first news to the house, had 30*l.* given to him, and colonel Birch's messenger had 20*l.*

Order that thanks be given to God for this success the next Lord's day;

That colonel Birch be governor of Hereford, and his regiment recruited to a thousand two hundred; and for settling a godly ministry there and in Gloucester, and for sending clothes to the soldiers of Gloucester.

Major-general Langherne took in Embleden-castle in Wales, and had hot service before Aberustick-castle in Cardiganshire, with loss on both sides.

The commissioners of parliament, the earl of Rutland, the lord Willoughby, sir William Ermin, sir Edward Ascugh, sir Christopher Wray, appointed to reside in the Scots army before Newark, took their journey. Commissioners to reside in the Scots army.

I attended the house, and dined at a great entertainment

by Mr. Benefield: about twenty members of the house were invited.

Mr. Maynard invited us to supper.

23. Proceedings upon the propositions for peace.

A petition of the brewers, touching the excise, referred to a committee.

Orders for money and for supplies for the army and for garrisons, and for the employing horse at Wickham and other forces.

The parliament forces quitted a fort at Pouldram to the king's forces in the west; and the same night colonel Okey, with some of his dragoons, fell upon the enemy's quarters near Chimley, took a captain, a cornet, nineteen horse, and twelve troopers; and sir Hardress Waller took, at the lord Chichester's, a captain, a lieutenant, a cornet, six soldiers, and two hundred foot, and alarmed them to the walls of Exeter. In another place they took some horse and commodities going to Exeter to clothe the soldiers.

Captain Bell, one of Greenvill's captains, came in, with thirty horse, to sir Thomas Fairfax.

Westminster College signed the grant to make me steward of their lands.

24. Orders for money for the forces before Chester and for the forces in Hereford.

An ordinance for a tax in England for the British forces in Ireland.

At the committee of privileges the election for Bucks was hotly debated, and the lie given by Mr. Fountain, one of the house, to Mr. Vivers, a witness in the case, yet the committee thought not fit to report it to the house: upon which the petitioner's counsel craved leave to desist, because their wit-
185 nesses were so discouraged; which the committee took as an affront, and voted to report that to the house.

A party from Farington surprised some countrymen as they were choosing a new burgess for Calne in Wiltshire.

25. This Christmas-day the house sat about an ordinance to make the members of both houses liable to arrests.

Reference of the accounts of the treasurers at war to the committee of accounts.

Orders for the arrears of the assessment for sir Thomas Fairfax's army; and that the committee of the army should

see all free quarters and billetings of sir Thomas Fairfax's army to be satisfied, and officers made liable to taxes.

Notwithstanding the ordinance, yet generally this day in London the shops were shut up, and the day observed.

26. From the leaguer before Newark intelligence came that the garrison made many sallies out, and were beaten back again; at one time nine of them taken, at another time thirty horse; and at another time, two hundred of them sallying out upon colonel Rossiter's quarters were repulsed, and followed to their reserve, many wounded, some slain, and among them colonel Leake, son to the lord Deincourt. Newark.

The house voted that parliament men who were only lodgers, and attending the parliament, should not be rated in London to the assessment.

27. Reference to a committee of the petition of the gold wire-drawers and refiners against the excise on those things.

An ordinance sent to the lords for money for the forces before Chester.

Days appointed as formerly for debate of the business of the church.

Order for the benchers of the Middle Temple to call baron Tomlins to the bench. Order for baron Tomlins.

A party of sir Thomas Fairfax's army took in Cataline-house near Exeter, and therein thirty horse and prisoners, with their arms.

Letters informed the surrender of Skipton-castle to the parliament's forces upon articles.

A trumpet came to town from Oxford, with letters from his majesty to the speaker of the house of peers, about a treaty for peace. Letters for peace.

29. Votes for recruits, arms, and money for sir Thomas Fairfax's army.

Ordinances agreed on, that impressed soldiers be punished if they run away from their colours, that parks shall be liable to assessments, and officers likewise, and about provisions for the navy and next summer's fleet, and for money for the wagoners; all sent up to the lords.

The king's letters, which came by the trumpet the other day were read in both houses, and were to this effect:

That his majesty conceiving that by reason of the want of power conferred upon messengers the former treaties have not proved

effectual, he therefore propounds, that if he may have the engagement of both houses of parliament, the commissioners of the parliament of Scotland, the lord-mayor, aldermen, common-council, and militia of London, the commander-in-chief of sir Thomas Fairfax's army, as also the Scots army, for his free and safe coming to abide in London or Westminster with three hundred followers for forty days, and after that time for his free and safe return to Oxford, Worcester, or Newark, which he shall name. And that he doth propound to have a personal treaty with the houses of parliament at Westminster, and the commissioners of Scotland, on all matters that may conduce to the restoring of peace.

He declares, that he is willing to commit the trust of the militia for such time and with such power as is expressed by his commissioners at Uxbridge to these persons; viz. the lord privy-seal, the duke of Richmond, marquis Hertford, marquis Dorchester, earl of Dorset, lord-chamberlain, earl of Northumberland, earl of Essex, earl of Southampton, earl of Pembroke, earl of Salisbury, earl of Manchester, earl of Warwick, earl of Denbigh, earl of Chichester, lord Say, lord Seymour, lord Lucas, lord Leppington, Mr. Pierepoint, Mr. Hollis, Mr. Delaware, Mr. Spencer, sir Thomas Fairfax, Mr. John Ashburnham, sir Gervase Clifton, sir Henry Vane junior, Mr. Robert Wallop, Mr. Thomas Chichely, Mr. Oliver Cromwell, and Mr. Philip Skippon.

If these persons do not satisfy, he offers to name one half, and the parliament to name the other half.

A day set to debate upon this letter.

A party of sir Thomas Fairfax's army took in Ashton-house, and the king's forces in the west drew together, designing to relieve Exeter.

Colonel sir John Digby, for the king, attempted to gain Plymouth by treachery, and offered a great sum of money to colonel Kerre, the governor, for that end, but he refused it, and the agent was hanged by martial law.

Debate about the king's letter.

30. Debate about the king's letter, and the house adhered to their former votes, and to have no treaty, but to proceed upon the propositions for peace to be sent to the king by way of bills, and that the militia should remain in the hands of both houses of parliament, as now it was.

They referred it to the committee of both kingdoms and the Scots commissioners to draw up an answer accordingly, and desired the lords' concurrence therein.

Sir Peter Killegrew came from Oxford with an answer

from the king to the parliament's last letter to his majesty, and this was to the like effect, of desires of peace, adding, that the king would consent to any necessary course for the payment of the debts of the kingdom, particularly to the city of London and to the kingdom of Scotland. This letter was referred to the committee of both kingdoms.

An ordinance read, giving power to the militia of London to provide for the safety of the city and adjacent parts upon the present flocking of malignants to London, and to search for them, and expel them the city.

Orders for strict guards, and persons to examine all passes.

Orders for new elections.

31. The day of the public monthly fast after the last sermon, about forty of the new elected members took the covenant.

The house ordered Mr. Strong, one of this day's preachers, to be added to the assembly of divines, and ordered 100*l.* for Mr. Reynolds.

I doubt I have spent too much time in mentioning such trivial things as my private and particular labours, some attendances, treatments, and company, with the particular applications, caresses, and courtships, visits, &c. used to me, which also continued long after.

Jan. 1645. 186

1. The house proceeded upon the propositions for peace.

Martial law.

An ordinance brought in for martial law to be executed in London.

Differences among the inhabitants of Somersetshire referred to a committee.

Orders for new elections of members.

Referred to the committee of both kingdoms to dispose of the Scots horse that lie upon the borders of Yorkshire and Derbyshire for the advantage of the public.

Order for a letter of thanks to colonel Kerre for his fidelity, and 500*l.* to be bestowed on him.

Prince Rupert and his company returned from beyond sea, and were again received into favour at Oxford.

A party of the king's from Ashby took the minister of Morley, and of other towns, and carried them away prisoners; but sir John Gell rescued them, slew five, and took others of the enemy prisoners.

Day of humiliation.

2. Debate of the business of the church, and a day of humiliation appointed to seek God for his blessing, and direction to the parliament and assembly about the settling the business of the church; the members of the house ordered to attend, and not to be absent that day.

Letters from sir Thomas Fairfax informed that some skirmishes had been between his forces and the enemy about Chadsey-house, wherein he lost major Barrington and a corporal.

3. Proceedings upon the propositions for peace in a grand committee.

Letters from sir Thomas Fairfax certified that the king's forces in a great body advanced near Exeter; that he drew out to fight them, which they perceiving retreated to a place of advantage; that sir Thomas Fairfax could not fight them; but he sent two brigades after them, one of them to lie on the right, and the other on the left hand of them.

That a party of them advancing upon some design, sir Hardress Waller fell on them, killed some, and brought away many of them prisoners.

Votes about Ireland.

5. Debate about the government of Ireland, voted not to be by commissioners, but by a single person, to be nominated by both houses for a year, and that all treaties with the rebels should be nullified, and the war to be managed by both houses of parliament.

This was communicated to the lords at a conference for their concurrence, with some votes touching the forfeitures of delinquents' estates.

Several votes concerning the assessments for sir Thomas Fairfax's army, and directions to the committee of the army to the committees of counties, to sequestrators, &c., concerning the assessments, and that military officers shall pay the assessment, and that the governors of the inns of court and chancery do no permit any nonresident members in their society.

Letters from sir Thomas Fairfax certified that the prince was marched towards Dartmouth with five hundred horse and one thousand three hundred foot; that Greenville began to be contemptible in Cornwall as Goring was in Devonshire; that six hundred of the Cornishmen mutinied, and half of them went home; that many of their men came in to sir

Thomas Fairfax; that colonel Grey with a commanded party gave an alarm to Exeter, and took some prisoners by the way.

6. Proceedings upon the propositions for peace.

Voted that a former judgment against Mr. Henry Martin, of expelling him the house, should be void, and rased out of the journal-book, and Mr. Martin to enjoy the benefit of his first election. Vote for Henry Martin.

This gave occasion to some to believe that the house began to be more averse from the king.

Upon the petition of the militia of London, informing the danger to the city by the great number of persons coming thither from the king's quarters, and praying additional powers to themselves for securing the parliament and city,

The house granted their desires, and that they should compel the aged and rich persons to pay for others to serve in the regiments, and to search for papists and delinquents.

Order for supplies for Windsor garrison.

Some difference between the commissioners of the parliament sent down to the Scots army and general Leven about the pay of the army.

Upon a sally out of Newark, they killed six of the parliament's men, wounded divers, and took twenty-five prisoners, and colonel Rossiter fell upon them in their retreat, killed eight, and took nine prisoners.

A party from Wallingford and Dunnington fell upon the parliament's quarters at Kinbury near Newbury, took major Web, but killed none; the parliament party killed a knight and two more of theirs; and they being alighted to plunder the town, a cornet, with part of a troop of the parliament's, took twenty of the king's horse and two men.

7. Lieutenant Barrow, being the gentleman who acted the constable's part in the surprise of Hereford, was called into the house, and made them a particular relation of that service: the house gave him 100*l*, and ordered 50*l*. per annum to be settled upon him and his heirs. Lieutenant Barrow.

Mr. Tompkins, formerly a member of the house, now taken at Hereford, was brought to the bar on his knees, and committed to the counter.

Order for a charge to be drawn up against Mr. David Jenkins.

A committee named to consider of the prisoners of the Towers, and other prisons, how they may be secured, and to prevent their holding intelligence with the king's party.

8. Intelligence came that the inhabitants of Chester urged the governor to a treaty of surrender, which he promised to do, if relief came not within a week; that they were in great want of victuals, and often in mutinies.

Debates touching particular differences of members, and about the poor plundered town of Woburne.

9. Proceedings touching the propositions for peace.

Clamours against the parliament.

Divers widows of soldiers and creditors of the parliament were at the house door, crying and importuning for satisfaction of moneys due to them; and it was referred to auditor Bond to compute what was due.

These were supposed to be set on to this clamour by some of the king's party; and it was strange, at this time of the parliament's prosperous condition, to see how rude and impetuous especially some of the women were crying out, as the members passed through the crowd of them, "Pay us our moneys! We are ready to starve!" and seeming ready to tear their clothes from off their backs.

This was no small trouble and discouragement to those who laboured so incessantly in the service of the public.

187 Order for money for the forces of the militia of London and for the guards.

Letters from sir Thomas Fairfax informed that the king's forces were drawn up into a body, as intending to fight him, and that prince Charles was in the head of them, and set out a proclamation for all above sixteen years of age to rise in his defence against the rebels: the house appointed a day to consider of this business of the prince.

Order for money for Windsor garrison.

10. Letters from the commissioners in the Scots army informed their proceedings, and that a party sallying out of

Lieutenant general Poyntz.

Newark upon lieutenant-general Poyntz's quarters, some of them came to the chamber of lieutenant-general Poyntz, and rushing violently in, the lieutenant-general being there alone, he engaged them with his sword only, and killed the first man that entered his chamber; at which the rest running down the stairs, he followed them, and killed another of them, and some of his servants coming in to his assistance,

two more of the party were taken prisoners, and the whole party were beaten back again.

Order for payment of the arrears of lieutenant-general Poyntz, and for his forces and supplies.

Colonel Stockdale sent for to be examined touching the English taking of commissions from the Scots general to raise forces here, and a day appointed to consider of the Scots raising moneys in England by their warrants.

Letters from Plymouth informed, that some of their men, after a small dispute, took Canterbury work from the king's forces, and in it seventeen prisoners, arms and ammunition.

That they afterwards marched to St. Budeaux, where, after an hot skirmish of an hour and an half, they took the churchyard and the church fortified, and in it ninety-two prisoners, a major, three captains, three lieutenants, other officers, fifty-five horse, arms and ammunition; that ten of the king's men were slain, and seven of the parliament's, of whom major Haines was one, and twenty wounded.

12. Debate of the affairs of Ireland, and to provide money for that war: a committee named to compute the charge of that war for next summer, and to consider how all moneys by assessment may be levied one way, and the subject eased, and of the powers of committees in some particulars.

Debates about adding of persons and powers to the committee of the revenue.

Letters from Mr. Anesley, sir Robert King, and Mr. Beale, the parliament's commissioners in Ireland, certified, Letters from Ireland.

That October 17, the rebels having surrounded Sligo with a thousand foot and three hundred horse, captain Coote and captain Cole, with two hundred horse, charged the rebels' horse, fell to the sword pellmell, and beat them among the divisions of their own foot, and routed them.

Which lieutenant-colonel Sanderson with the foot recovered, and sir Francis Hamilton coming with his troop of horse, they had the execution of the rebels for five miles, their foot taking flight upon the giving ground of their horse.

In the flight and pursuit, their commander and president of that province (the titular archbishop of Tuam) was slain.

The parliament forces took an hundred and fifty of their horse with pistols, all their baggage, tents, and ammunition, two wagons with rich spoil and money in them; they took

several of the rebels' standards and colours, twenty-four drums, and officers of note forty-eight, two hundred of their men killed, but plunder prevented further execution: but one of the English killed, some men and horses hurt.

With the archbishop's carriages they took several letters and papers, notes and instructions from the pope, and matters relating to the king and many of the great men of Ireland, and to the carrying on of the war there.

Letters to the speaker certified that sir Thomas Fairfax marched near the king's forces, and ordered sir Hardress Waller to amuse them near Okehampton, whilst lieutenant-general Cromwell was designed with one regiment of horse and two of foot to fall upon them, who after a march of fourteen miles, about six o'clock at night, fell upon three regiments of their horse at Bovey, of the lord Wentworth's brigade, took four hundred horse, five colours, and many prisoners, some of quality.

The parliament against a treaty.

13. The answer passed both houses to the king's last letters concerning peace, and ordered to be sent forthwith to his majesty by a trumpet. This resolution of the parliament against a personal treaty was not liked by divers, who expressed their discontent at it, and it broke out further afterwards.

A committee named to draw a letter to prince Charles forthwith to disband his army.

Reference to the committee of the west of the differences in Somersetshire concerning the election of a new knight of that shire.

Debate of ordinances touching the excise.

A conference with the lords about the ordinances for martial law in London, for continuance of the committee of the army, and treasurers at war, and that no delinquent should wear a sword or other weapon of war in London.

14. The two houses at St. Martin's in the Fields and the lord mayor and aldermen kept a solemn fast.

Letters informed that in the late action at Bovey they took seven colours of horse, whereof one was the king's, that some of their chief officers being in a house shut the doors, and threw out at the window about ten pounds in silver, which the footsoldiers were so busy to get that in the mean time the officers escaped.

That the parliament's foot took twenty horse and nine prisoners at Ashburton, and then quitted the pass to Totness.

15. The ordinance passed for continuance of the committee of the army and treasurers at war, and several ordinances for martial law in the garrisons of Glouccster and Hereford. Another, for the several committees to punish soldiers that run away from their colours by martial law. Another, sent up to the lords for martial law for colonel Jephson's regiment.

Ordinance debated for 5*l.* a week allowance for the marquis of Winton, and an impeachment ordered against him of treason, for levying war against the parliament.

A petition for church government.

A petition from the lord mayor, aldermen, and common-council of London, for the speedy settlement of church government, referred to a committee, and thanks given to the petitioners.

Debate of the Irish affairs, and despatch of colonel Jephson with his regiment thither.

Preparations of forces in Oxford for the relief of Chester, 188 and colonel Whaly is attending their motions.

Montrose routed.

Letters from Scotland informed that Montrose was beaten from the siege of Inverness by the earl of Sleford; that after a sharp fight two hundred of Montrose's men were slain, and his whole party, consisting of two thousand, routed, and pursued to the mountains; divers of note slain; many prisoners, arms, and ammunition taken.

A petition.

A petition from the lord mayor, aldermen, and common-council of London to the house of peers, desiring the speedy settling of church government according to the covenant.

That no toleration be granted of popery, prelacy, superstition, heresy, schism, profaneness, or any thing contrary to sound doctrine, and that all private meetings contrary to the covenant may be restrained.

This was looked upon as tending to persecution.

Answer.

The lords answered, complimenting the city, and thanking them for their care and zeal for God's worship, and assured them, as they had been, so should they continue ready to advance so good a work, whereto they held themselves obliged by the covenant, and they recommend it to the city to suppress such unlawful courses as are by them mentioned in their petition.

Debate in the house of commons about the business of the church.

A letter from the king.

A letter from sir Thomas Glenham, governor of Oxford, and therein another from the king to both houses, much to the same effect as his former for a treaty; to which he complained that he had received no answer; but this trumpet met the parliament's trumpet, who carried their answer near to Oxford.

The king desires that the church government may continue as it was in the days of queen Elizabeth and of king James, and is contented that the Directory shall be used as now in some churches in London.

That he doubts not but he shall give both houses satisfaction touching the choice of the lord admiral and other officers of state, if he finds them inclinable to a treaty, in which he will assist in person, and he makes no question but he shall give all his subjects satisfaction about the debts of the kingdom and the business of Ireland.

After this, some papers were read, that were taken about the archbishop of Tuam when he was slain in Ireland, discovering the transactions between the king and the rebels,

Offers to the Irish.

and his large offers to them of toleration of their religion, and to have all the forts in their possession, on condition they should raise ten thousand men to assist the king here.

Hereupon a day was set to debate this business, and the letters ordered to be printed.

Debate of sending commissioners into the Netherlands.

17. Proceedings in the business of the church.

Order for money for the forces.

The ordinance for further power to the militia of London sent up to the lords.

An exchange for Mr. Jennings, a member of the house.

Letters from the west informed of the king's forces quitting Totness and Plymouth, and the prince and Hopton flying into Cornwall; that at Plympton they took seven pieces of ordnance, arms, and provisions, and many prisoners, and freed Plymouth of their besiegers.

Sir Thomas Fairfax besieged Dartmouth.

19. Orders for martial law for the garrisons of Henley, Reading, and Apsely.

Order for a new election, and for the letters taken in the lord Digby's coach at Sherburne to be printed.

Proceedings in the church business.

An answer was brought from the king to the parliament's last letters to him about peace, wherein the king tells them of violating the known laws, to draw an exorbitant power to themselves over their fellow-subjects, and that they give a false character of his majesty's actions. Answer to the parliament's letters.

This message was quick, and laid the matter home to the parliament: they referred it to the committee of both kingdoms, to draw up an answer to it, to clear the parliament from the aspersions cast upon them by this message.

News came of great distractions among them at Oxford, and unruliness of the soldiers, and scarcity of provisions.

Colonel Hastings with the Ashby horse surprised a convoy of the parliament's going to Belvoir with a mortar-piece and grenados; and a party from Oxford surprised two troops of the parliament's horse, and divers gentlemen, who were choosing a new parliament-man in Wiltshire; and that sir John Gell surprised an hundred and forty of the king's horse at Titbury, and many prisoners.

A party of the king's got over the ice, and designed to surprise Monmouth, but were beaten back with loss.

Major-general Langherne besieged Ragland.

20. Proceedings upon the propositions for peace.

Letters to the speaker informed that the king's forces quitted sir Francis Drake's house; that their thoughts and discourses are how to save themselves; that some would carry the prince beyond sea; others say they will cut the throats of those who shall attempt it. Letters to the speaker.

That sir Thomas Fairfax's forces daily take prisoners, and most horse; that since the business of Bovey they have taken two hundred horse; that the last day they took eighty horse, two colours, and thirty prisoners near Barnstable.

That sir Hardress Waller with his brigade took many near Oakhampton; that lieutenant-general Porter came in to them, and baronet Seymour, who said he would disinherit his sons if they did not come in and serve the parliament; that many of them make means to be received unto mercy.

That the lord Newport desired a pass to come out of Dartmouth to go to the prince, but was denied it.

A scout certified that the king's forces quitted Tavestock and fled into Cornwall.

L'Isle to be governor of Ireland.

21. The lord viscount L'Isle voted to be governor of Ireland.

Sir William Brereton continued in his command before Chester for forty days longer.

Order for supplies for Derby garrison.

Proceedings in the church business.

Ordinance passed for regulating the university of Cambridge.

Sir William Brereton sent another summons to the mayor of Chester, and the lord Byron governor, to which they returned no answer in five days; upon which sir William Brereton sent another letter to them, requiring an answer the same day; which they did, and offered to come to a treaty if the king did not relieve them within twelve days, and desired a pass to send to him, but it was denied.

189 Major-general Browne took colonel Lour, and some officers and prisoners of Wallingford garrison, fifty of their horse, riders, and arms, and rescued thirty horse which they had taken of the parliament's. Captain Batten, coming to block up Dartmouth by sea, lighted upon a ship of the king's bound for France, with divers gentlemen of quality in it, money, and rich jewels.

22. Proceedings upon the propositions for peace.

Order for money for Gloucester garrison, and for continuing the excise till March.

Orders for high-sheriffs approved.

Day of thanksgiving.

News came of the taking of Dartmouth by sir Thomas Fairfax, and the house ordered a day of thanksgiving for it, and for the taking of Hereford, and other good successes.

Order for 1000*l.* to buy horses and furniture for sir Thomas Fairfax, as an earnest of the affection of the house towards him.

23. Mr. Peters came from the army to the house, and made them a narration of the storming and taking of Dartmouth, and of the valour, unity, and affection of the army, and presented several letters, papers, crucifixes, and other popish things taken in the town: the letters were referred to a committee.

Dartmouth stormed.

The letters from sir Thomas Fairfax informed, that he with

those about him agreed to storm Dartmouth, January 18. That colonel Hammond entered the west gate, where four guns were planted, and two upon the mill-pool upon his flank. The enemy firing his great guns but once, Hammond's men, that had the forlorn hope, did very gallantly (as they all did) and went freely on, and beat off the enemy, and possessed one fort after another, and beat off the main guard, where were taken four lieutenant-colonels, and so possessed the town from the west gate to little Dartmouth.

That in the interim lieutenant-colonel Pride attempted the north part of the town, called *Hardness*, where beating off the enemy, he entered it, and took about eighty prisoners in it, and by it possessed all the north part of the town unto the drawbridge, where colonel Hammond's men and his did meet.

That colonel Fortescue with his men attempted Tunstall church, which was manned with above an hundred men, and had in it ten guns; that his men after some dispute entered the place and possessed it: so that now the enemy was beaten out of all, except the great fort and the castle, unto which the governor, with the earl of Newport, and as many as escaped them, did fly.

That the governor coming back from the castle to see in what posture the town was, a musket shot was made at the boat in which he was, pierced the boat, and through both the thighs of one that was next to him, and about three inches into his own thigh, upon which he returned to the castle.

That sir Thomas Fairfax's dragoons, with two companies of firelocks and some seamen, were ordered to alarm the great fort, wherein was sir Henry Carey with his regiment, twelve guns, and store of ammunition, a strong fort with four bulwarks: but the enemy came willingly to terms, and sir Thomas Fairfax agreed that sir Henry Carey should march away with the rest, leaving the arms, ordnance, ammunition, and provisions in the fort, and engaging never to take up arms against the parliament; which was done by them.

That the next morning the governor yielded the castle, himself, and all officers and soldiers, upon quarter, and sent colonel Seymour and Mr. Denham for hostages, with whom came out the earl of Newport.

In the list of prisoners was sir Hugh Pollard the governor,

about fifty officers, many country gentlemen, ministers and inferior officers, and all the common soldiers, being between eight hundred and a thousand were set at liberty to repair their dwellings; about an hundred and twenty ordnance mounted, and two men of war in the harbour taken.

The house referred it to a committee to consider how 5000*l.* a year, formerly voted, might be settled upon sir Thomas Fairfax and his heirs, and ordered a letter of thanks to be written to him.

They also referred it to a committee to consider how lieutenant-general Cromwell might be put into possession of 2,500*l.* a year, formerly voted for him; and they ordered 500*l.* for the present buying of horses and furniture for him, as an earnest of the affections of the house to him.

Order for pay for the army.

24. Information for the commissioners in the Scots army of their warrant to bring in provisions for the Scots, and of some complaints against that army.

The house approved of those warrants of the commissioners, and took care for payment of the country for the provisions brought in by them.

Mr. Hunt the sergeant-at-arms being dead, the house gave that place to sergeant Birkhead for life.

Debate at a conference touching martial law in London, and about the letters from Newark.

A petition of the merchants of Newcastle and Sunderland referred to the committee of the navy.

26. Upon letters from major-general Browne,

Order for 1800*l.* of sir John Borlace his composition to be paid for the garrison of Abington, and for other money for them.

They continued major-general Browne governor of Abington for three months longer; and dispensed with his attendance in the house as a member.

Order for money for the garrison of Henley.

Several ordinances touching the arrears of the officers late under the lord Fairfax, and for digging of saltpetre.

A letter from the king.

Another letter came from his majesty about a personal treaty, wherein he smartly answers the letters of the parliament last sent to him in all the particulars, and concludes with his earnest desires of peace, and saith, it is clear to him

that there is no way but a treaty or conquest for a final ending of such distractions as afflict this kingdom.

The latter, he hopes, none will have the impudence or impiety to wish for; and for the former, if his personal assistance be not necessary, let any reasonable man judge; and earnestly presseth for an answer.

The king sent a warrant under his hand to the heads of houses in Oxford, for the reading of divine service established by law daily, morning and evening, and to fast on Fridays.

27. Letters from Stafford informed, that captain Stone's 190
troop of an hundred beat up the lord Molyneux's quarters near Stafford, routed three hundred of the enemy, took three captains and other officers, about an hundred horse, and many prisoners, some slain and divers wounded.

Order for 500*l.* for captain Stone for his troop, and 50*l.* given to his lieutenant.

Proceedings upon the propositions for peace, and seven bills to be prepared, to be forthwith sent to the king, to which if he shall assent, then they are willing he should come to London and treat about the other matters. The bills were,

1. For settling presbyterian government and extirpating episcopacy. Bills to be sent to the king.

2. For prosecuting the war against the Irish rebels.

3. For the militia to remain in the power of the parliament.

4. For payment of the debts of the kingdom.

5. For bringing delinquents to punishment.

6. That no honours be given but to such as have testified their affections to the public.

7. Concerning the privileges of London.

Sir Thomas Fairfax returned from Dartmouth to the blocking up of Exeter.

28. The day of the monthly fast, in the evening the house met, and heard a report from the committee of plundered ministers, of the blasphemies of one Paul Best, who denied the Trinity of the Godhead, and the Deity of Christ and the Holy Ghost: the house ordered him to be kept close prisoner, and an ordinance to be brought in to punish him with death. Order against blasphemy.

29. Consent to amendment of some mistakes in an ordinance.

The house voted that some of the members of the committee of both kingdoms had done their duties in making

known some intelligence from Paris, and ordered them thanks for it.

The lord Montague, colonel White, and Mr. Robert Goodwin ordered to go commissioners into Scotland.

Orders for supplies of the army.

A petition for Mr. Saltmarsh to be a lecturer in Kent, opposed by divers of the county, countenanced by colonel Blunt and divers others of the parliament's friends.

The parliament of Scotland executed divers of Montrose's party.

The siege of Newark continued strait.

A treaty was had about the surrender of Chester, but nothing concluded.

Sir William Brereton drew out a party to encounter the Irish, of whose landing in Anglesey he had intelligence.

Mr. Edward Vaughan, with a small party in Merionethshire, fell upon a hundred of the king's forces who were fortifying at Dolgethly, took their captain, eighteen prisoners, and divers horse and arms.

30. Reference to the committee of both kingdoms to prevent the incursions from Oxford into Wilts and Hampshire.

Orders for allowance to preaching ministers and for Mr. Edward Clerke, high-sheriff of Oxfordshire, to make his residence at Reading.

Proceedings upon the propositions for peace.

Mr. Tilshead met with the party from Oxford in Wilts, whereof he was high-sheriff, and took thirty of their horse and many prisoners.

Letters informed the taking of Pouldram-castle by colonel Hammond.

That they surrendered upon conditions, that Greenville was apprehended, and that Hopton was made general of the west; that many intercepted letters were sent up to the parliament.

That many Devonshire gentlemen declared for the parliament, and sir Thomas Fairfax gave a commission to Mr. Vowell to be a colonel.

31. Debate of a report from the committee of Goldsmiths'-hall touching compositions of delinquents.

Letter from the king.

Another letter came from the king, wherein he presseth his coming to London for a personal treaty, offers the militia

to be settled in the hands of the parliament for seven years, and that the parliament shall nominate officers of state, judges, &c., that religion shall be settled as in the days of queen Elizabeth, having regard still to tender consciences.

And for Ireland and the other propositions, to grant what was offered at the treaty of Uxbridge, and disclaims the earl of Glamorgan's commission, by which he treated with the Irish, as false, and no act of his majesty's.

This letter was referred to the committee of both kingdoms, to be communicated to the Scots commissioners, and the commons desired a conference with the lords concerning the present sending of the seven bills to his majesty.

Vote, that the committee of both kingdoms receive from the lord L'Isle his propositions touching Ireland.

Both houses agreed upon the ordinance touching Covent-garden.

Order for the countess of Winchester to go to her husband where he is prisoner.

Sir William Brereton intercepted a letter from the lord Byron to Oxford, that if they had not relief by the last of January then of necessity they must surrender Chester.

2. Debate about the king's letter. Feb. 1645.

A conference, at which the seven bills were presented to the lords for their concurrence to be forthwith sent to the king.

Ordinance passed for money for the guards, and other services in London.

Martial law given to the garrisons of Aylesbury and Newport Paganel.

Order that there should be no new motion in the house after twelve o'clock. Order that no new motion after twelve o'clock.

Letters informed that sir Thomas Fairfax drawing towards Exeter, the enemy quitted a garrison at sir Peter Byme's house, that colonel Hammond being ready to fall on to storm Pouldram-castle, the enemy made but one shot, and instantly cried for quarter.

That the general's courtesy and fair usage of those at Dartmouth did win much upon the people, made other garrisons to yield the sooner, and divers to come in to the parliament; that all the Cornish men in Dartmouth, being a hundred and twenty, had their liberty freely given them, and

2*s*. a man to bear their charges home; and those that would take up arms for the parliament had 3*s*. a man.

That Greenville was sent prisoner to Silley by the prince for refusing to obey the orders of Hopton the general.

That sir Thomas Fairfax sent a summons and honourable propositions to sir John Berkley the governor, for the sur-
191 rendering Exeter to him to the use of the parliament, to avoid the effusion of blood, and ruin to the inhabitants.

To this the governor returned an answer full of resolution and denial, to which sir Thomas Fairfax made a reply in vindication of the parliament's honour and his.

The king's letters voted unsatisfactory.

3. Upon debate of the king's last letter, the commons voted, that it was unsatisfactory in the whole, and referred it to a committee to draw up an answer to it and to the former letter, and a declaration concerning this matter to the kingdom.

Order for 200*l*. per annum for Dr. Walker, advocate to the admiralty; and that if he went to sea he should have 20*l*. per annum extraordinary.

Order to audit arrears of soldiers to be paid to their wives and widows.

1000*l*. to be paid to the train of artillery of the earl of Essex and sir William Waller.

Many came out of Exeter to the parliament's army, twenty in a company.

4. A ship from France came into Dartmouth, supposing it had been still in the king's hands; but the master, finding his mistake, submitted to the parliament's forces, and threw into the sea a packet of letters which he had; and the next flood the packet came to shore, and was sent by colonel Lambert to sir Thomas Fairfax, and by him to the parliament.

Letters taken.

In it were (read in the house) letters from the queen to the king against the sending of the prince into Denmark, but rather to send him into France, where a match was propounded for him with the duke of Orleans' daughter.

Other letters were from Jermyn, Goring, and others, mentioning great sums of money, and an army from France to be ready against the spring to come over to the king; that Montrose and the king would join and march into the west.

Intercepted letters from Ireland were sent up to the par-

liament by colonel Mitton, whereby they had good intelligence of the affairs there.

Reference to a committee to consider of propositions for reducing North Wales.

Orders for an exchange of Mr. Denham for M. Harris, and about a new election.

News came of the surrender of Belvoir-castle upon articles, and sir Jervase Lucas the governor left there one piece of ordnance, store of arms, and provisions.

5. The day of thanksgiving.

Letters came to the speaker from sir William Brereton, that his care of preserving Chester, the most considerable city in those parts, from ruin, invited him to entertain a treaty, which was continued ten days, and delayed by the enemy, hoping for relief, for which there were strong preparations by conjunction of Ashley, Vaughan, and the Welsh and Irish forces, and those Irish newly landed.

That he sent forth a strong party under colonel Mitton, who prevented their conjunction, and then those in Chester, hopeless of relief, came to a treaty. That he was contented to have the more commissioners, that the soldiers might be the better satisfied with that which was agreed unto by some of their own officers, and the officers would be the more careful to keep their soldiers to the observation of it.

Chester surrendered to the parliament.

They in Chester desired further time for the treaty to be continued, but sir William Brereton refused it, and thereupon they came to an agreement on both parts to surrender the city to the parliament upon articles: in it they had all the arms, ammunition, ordnance, and provisions, the county palatine seal, swords, and all the records, &c.

6. The letters from sir William Brereton read.

Orders for settling of that garrison, and that alderman Edward of Chester be colonel of the regiment of that city.

A long petition from the common-council of London; a day appointed for the debate of it.

Two members of the house sent to Gravesend to examine Mr. Murray, one of the bedchamber to the king, taken coming from France.

Colonel Whaly, with some forces of the adjacent counties, besieged Banbury-castle.

7. Proceedings touching the propositions for peace.

A petition from the common-council of London to the lords, of the same effect with that yesterday to the commons.

A party of about eighty horse and forty dragoons were sent from Leicester, under Mr. Meers, to Ashby, who marched with such speed and privacy that they came to Ashby about eleven o'clock that night undiscovered, surprised the sentinels, fell in at the turnpike, broke the chain, and entered the town.

They took a hundred horse, rich prize and pillage, plundered the town, rescued divers countrymen prisoners there, and returned to Leicester without opposition.

9. Votes for supplies for the protestant forces in Ireland.

The office of lieutenant of the ordnance for the Tower continued.

Colonel Needham appointed to be governor of Leicester.

Order for a new election, and for money for colonel Mitton's forces.

A petition from the inhabitants of Westminster and Middlesex, that the militia might not be settled as was desired by the London petition, was referred to the same committee.

10. Progress in the propositions of peace.

Order for a new election of members.

Major-general Browne had the thanks of the house.

Sir William Lower and captain Dunbar, who revolted from the parliament, referred to be tried by martial law.

A day appointed to consider of easing the people under the sufferings of committees.

Letters informed that sir Thomas Fairfax had made two bridges over the river at Exeter, blocked it up on all sides, and planted guards round the city, and was within musket-shot of their works; that he sent forth a brigade to attempt the enemy at Barnstable.

News came of preparations at Oxford upon some new design, and that the nobility there were assembled, and it was propounded to them to assist the king in his war this summer; and that his majesty declared to live and die for the privileges of his crown, his friends, and church government.

11. Progress in the business of the church.

Mr. Murray committed close prisoner to the Tower, and to be more strictly examined.

A complaint against some Scots horse referred to be examined.

Intercepted letters, and some taken at Dartmouth in characters, were deciphered by sir Walter Earle, and he had the thanks of the house for it.

The garrison of Newark sallied out upon Muschampe- 192
bridge, but were beaten back, and some slain and wounded on both parties. Bridges were made over the river.

12. Orders for judges to be appointed to go circuits, and for money for soldiers' widows, for wagoners, and for the train of artillery, &c.

Ordinance sent up to the lords for regulating the university of Cambridge.

This was kept a day of thanksgiving for Dartmouth, and a day of thanksgiving appointed for the gaining of Chester.

13. Upon a petition of sir Thomas Liddell, a prisoner, he was admitted to compound.

Referred to a committee to consider what garrisons in the north are fit to be slighted, and what to be maintained.

Orders for money for Abington.

14. Order that Mr. Murray should be proceeded against by martial law as a spy.

Debate about settling the militia of London put off to another day.

In the afternoon, at a conference, the lords gave their reason why they could not assent to the ordinance for martial law in London; and after debate thereof by the commons, they appointed a committee to draw reasons for their different opinions.

A party of the king's of one hundred and twenty, under colonel Cromwell, came into Dorsetshire to relieve Corfe Castle, and marched through colonel Cooke's quarters undiscovered, and came to Wareham, and told the sentinels there that they were a troop of sir Thomas Fairfax's horse, and rode into the town to the governor's house, who seeing them, shut his door, and with his son fired upon them, and made good his lodging three hours together, till the enemy fired the house, to which the magazine was near, and then they were forced to yield upon quarter.

They carried the governor and two committee men pri-

soners into Corfe Castle, and the parliament's forces before it quitted some of their guards, though they were four times as many as those within: some of the enemy returning to Wareham to provide for their new gained garrison, colonel Cooke beat them out of the town, took their commander-in-chief, with divers prisoners.

Colonel Butler, governor of Wareham, being prisoner in Corfe Castle, contrived his escape with colonel Lawrence, who being of the enemy's party there, resolved to come in to the parliament, and both of them got out together.

16. The committee of plundered ministers ordered to draw up an ordinance for punishing Paul Best for his blasphemies.

Order upon the engagement of major-general Langherne to remit the offences of the earl of Carbury.

Order for money, and for a collection for the poor of Chester.

A day appointed to consider of the petition of the assembly for settling the presbyterian government, and for ordination of ministers.

The ordinance passed for regulating the university of Cambridge.

Progress in the business of Ireland, and for setting out the lord L'Isle lord-deputy there, this summer, and allowed him 1200*l.* per month for pay.

Intercepted letters by colonel Mitton mentioned the duke of York's coming into Ireland, and other matters of great intelligence.

17. Debate of the relief of Abington, and order for money for it.

Order for regulating the committee and officers at Habberdashers'-hall.

Ammunition ordered for the garrison of Reading and for Henley, and the like for Aylesbury.

The French agent's desire of a pass to go into Scotland, and to touch at Oxford by the way, referred to the committee of both kingdoms.

The prince sent out warrants to raise the trained bands in Cornwall.

A party of the king's under the lord Ashley raised the siege before Matchfield-house, and news came of the revolt

of part of South Wales from the parliament, occasioned by colonel Kerne, that they had taken Swansey, and besieged Cardiffe.

A party from Oxford marched westward, and were followed by a party of colonel Whaly's brigade.

Holt-castle, Ruthen-castle, and Hawarden-castle besieged by the parliament's forces.

A disturbance between some of the soldiers in Lancashire and the committee was appeased.

18. Progress in the business of the church.

Orders to the committee of both kingdoms to take care for part of colonel Whaly's horse to follow the advance of the king's forces, and for other parties of the several counties, where any party of the king's shall march, to attend them.

Debate about a new election referred touching Lyn and that of Bucks.

This day of public thanksgiving came new letters of a victory obtained by sir Thomas Fairfax near Torrington.

That the forlorn of colonel Butler's troop, being twelve, took twelve of the lord Goring's lifeguard and twenty-four horse, who being examined by sir Thomas Fairfax, it appeared that the enemy was ignorant of sir Thomas Fairfax's motion.

Hopton routed at Torrington.

That the lord Hopton was in Torrington, and a party of the enemy at Burrington: the general sent a party of horse to meet with them under captain Berry, who charged and put them to a rout, shot lieutenant-colonel Dundash, a renegado of the earl of Cleveland's brigade, and took several prisoners; left Dundash by the way, being mortally wounded.

That another party of the parliament's horse, towards the east, met with the enemy, taking some prisoners and horse, and shot major Bret; that by this time a bridge was made, that the parliament's army might with conveniency march over the river, but the day being far spent, it was thought fit to march with the whole army.

That three regiments of horse and three of foot marched towards the enemy that night, and next morning sir Thomas Fairfax came up to them, and near Torrington had a general rendezvous of horse and foot, drew them up in battalia, and marched towards the enemy.

That the parliament's forlorn of horse charged the king's, and put them to retreat, but they came on again with a strong body, and put the parliament's forlorn to a stand, whose reserves, and some foot coming up, they forced the enemy's body again, pursued and alarmed them at esq. Roll's house, within a mile of Torrington, where they began to fortify; but perceiving the parliament's foot coming up, they quitted the house, and drew their forces to Torrington, whither sir Thomas Fairfax's forlorn followed them.

The enemy drew their foot out of the town into the closes, the parliament's forlorn of foot lined the hedges, and so faced each other about two hours within half musket-shot: there
193 was continual skirmishes between the forlorns and reserves on both sides, and some prisoners taken, and by this time it began to be night.

Sir Thomas Fairfax called his council of war, whether to engage before day or not, but they deferred the resolution, and the general, lieutenant-general, and the colonel wrote to the forlorn, to see in what posture they were, and heard the tattoo beat in the town, which assured them that the enemy was there, and not fled away as was reported.

But to be certain, six dragoons were commanded to creep under a bridge near the barricados, and to give fire, to see whether they would answer, by which it might be known whether they stood to defend the town: they received the charge, and answered it with a sharp volley of shot.

The parliament's forlorn hope seeing the dragoons engaged, gave fire, whereupon the enemy gave fire all along the hedges and works, and the reserve to the forlorn came up to relieve them, and being so engaged the whole army advanced, and about eight at night the battle began, about six fields from the town, and they fought from hedge to hedge till the enemy were beaten into their barricados:

Which they maintained for an hour after, very resolutely, and oftentimes repulsed the parliament's forces, yet at last they got over the barracados and forced the enemy into the town, whereupon the horse were let in, who scouring the streets, were received by the enemy, and a hot charge given by both parties.

Yet at last the enemy was driven out of the barricados at the furthest end of the town, and by this time many

prisoners were taken by the parliament's forces and put into the church, but far more escaped, being dark, over the hedges and by-ways, throwing down their arms, and every man flying several ways.

The parliament's forces were no sooner possessed of the town, but the enemy's magazine, which they left in the church, was fired, whether on purpose by them, or by accident, is uncertain; but it proved a terrible blow, blowing up the church with all the wood and lead upon it, deforming many houses; killed some of the prisoners in the church, and some of the parliament soldiers in the churchyard; two great webs of lead fell within twice a horse length of the general; many others were hurt with the stones, timber, and lead.

Most of the town was shaken by this blow, being the terriblest that hath been seen, there being above eighty barrels of powder blown up together.

The enemy perceiving their magazine thus on fire gave one charge more with their horse, commanded by sir John Digby, but being fired upon by the musketeers they took their farewell; the parliament horse instantly advanced through the town after them, and began the pursuit about eleven at night.

The infantry were taken, slain, and totally routed; the horse, many taken and dispersed, and the rest gone in great disorder towards Cornwall: they had eight regiments of horse, two thousand five hundred, or three thousand men, very resolute, and fought valiantly, and after they were chased from hedge to hedge defended their barricados and works at push of pike and the but-end of their muskets.

They were old Cornish foot: many of the parliament's men were wounded, officers and soldiers, more than hath been at any storm since the army came forth.

The parliament's first word was, *Emmanuel, God with us,* and a furze bush in their hats; the enemy's first word was, *We are with you,* and a handkerchief tied about their right arm: they having gotten the word and signal of the parliament's army, they took a second word, which was *Truth,* and a handkerchief or white mark in their hats.

The particulars of this great victory were not ready to be sent up with these letters.

20. Both houses agreed upon several votes for the choosing of elders in the church government.

The two messengers that brought the news of the success at Torrington had 40*l.* for a gratuity.

A passage at the common-council of London referred to a committee to be examined.

Particulars of the success.

21. Letters from sir Thomas Fairfax informed the particulars of the great success at Torrington.

Six hundred prisoners taken, many of them of quality.

Eighty of the prince's lifeguard.

Thirty of Hopton's lifeguard.

Three thousand arms taken.

Hopton shot in the thigh.

Sir John Digby wounded in the head, others of note wounded.

Divers of the enemy slain in the fight and in the church by firing the magazine.

Eighty barrels of powder blown up in the church, done purposely, and 20*l.* given by the enemy to one of their men to do it.

Twenty of the parliament's party slain in the fight, and at the firing of the magazine, and an hundred wounded.

All the enemy's bag and baggage and provisions taken.

The messenger had 20*l.* for a reward.

23. A gratuity of 50*l.* to the messenger from sir Thomas Fairfax.

A day of thanksgiving appointed.

Debate about the business of the navy, and the officers for the next summer's fleet voted one by one.

Eight colours were taken and brought in from Torrington battle; one the lord Hopton's, with this motto, *I will strive to serve my sovereign king:* about a hundred of the enemy slain, lord Hopton's commission taken, and sir John Digby's, and other papers: 500*l.* in the lord Hopton's quarters, and much rich pillage.

Many of the king's party came in to sir Thomas Fairfax, who prepared to follow the broken troops into Cornwall, where they had in all but four hundred foot: sir Thomas Fairfax blocked up Barnstable, and took in the earl of Bathe's house near it; his forces took two ships with ten pieces of ordnance, and ten ton of salt.

Letters from sir Thomas Fairfax to the parliament, desiring two months' pay for his army, that they may not take free quarter in Cornwall, and desires care may be taken that the Oxford horse may not infest the countries thereabouts whilst his army was in the west.

The house made effectual orders in these things, and for recruits for the army.

The forces besieging Banbury were about three thousand, and about three hundred in the castle, the parliament's forces quartered in the town, and the enemy made some sallies, but 194
were beaten back.

Colonel Fleetwood fell upon the king's quarters near Woodstock, took fifty horse and divers prisoners.

24. An ordinance debated for discharging the wardship of the heirs males of sir Christopher Wray, late a member of the house, according to a former vote for discharging the wardship of those who died in this war in the parliament's service.

Upon debate hereof, the original of wardships and the misapplication of the intention of wardships, and the present oppression to the families of noblemen and gentlemen by wardships, being opened to the house by Selden, Maynard, St. John, myself, and other lawyers, the house passed a vote, Against the court of wards.

That the court of wards itself, and all wardships, tenures, licenses for alienation, &c., should be taken away; and the lords concurred therein.

The ordinance for the northern association was continued.

Order for 50,000*l.* out of the excise, for sir Thomas Fairfax's army in Cornwall.

Articles for the surrender of Ashby-de-la-Zouch, were sent up to the parliament, and a debate upon them, whether the estates of the earl of Huntington, colonel Hastings, and colonel Perkins should be discharged of sequestration, which the house did agree unto.

Some of the garrison of Newark sallied out and took twenty-four of captain Markham's men and horse in their quarters.

Letters from Bristol informed, that the governor of Cardiffe for the parliament, colonel Prichard and colonel Leyton betook themselves to Cardiffe-castle and kept that, with their forces; that the vice-admiral came and shot six pieces to the

castle, to let them know that in that time they should have relief, which was performed by major-general Langherne, sir Trevor Williams, and colonel Morgan, with their forces.

That the messenger affirmed they had a bloody fight, that sir Charles Kemish of Ragland and all his men were routed, and not an hundred and forty of them left upon the rally; that colonel Morgan was fallen between them and Ragland: more particulars were not at that time come.

25. The day of the monthly fast, the covenant was taken in the evening by several new members.

26. The house being informed that a trumpet from Oxford was at the door with letters from colonel Beard to a member of the house, the house ordered him to be committed, and examined and searched for letters.

Order for money for the widows, &c.

Parliament of Scotland. Papers from the parliament of Scotland read, desiring the speedy settling of religion, according to the desire of the assembly, that the propositions for peace might be despatched to his majesty, and the arrears to the Scots army be paid by the third of May next.

Referred to the committee of both kingdoms to desire of the Scots commissioners their accounts, what they desire by the third of May next; and the further answer of the parliament of Scotland concerning the rendition of the towns and forts and castles, garrisoned by their forces in this kingdom, into the hands of the parliament by March next.

Church affairs. Progress in the business of the church, and votes passed both houses about the triers of elders: the commons ordered this business to be daily in debate till it were determined.

27. Progress in the business of the church, and upon the propositions for peace; and they were ordered to be communicated to the Scots commissioners for their assent.

Letters from the king. A trumpet brought letters from sir Thomas Glemham, governor of Oxford, to the speaker of the house of peers, and enclosed in it was a letter from the king to be communicated to both houses of parliament and to the Scots commissioners.

It was read in both houses, and was in further prosecution of his former letters for a personal treaty, and demanding an answer to his last message. It was referred to the committee of both kingdoms.

Letters from major-general Langherne confirmed the defeat of the king's forces at Cardiffe, that there were slain of them two hundred, and eight hundred taken prisoners, store of arms, and all their bag and baggage, and their design frustrated of recruits in Wales, and of the Irish landing there. Victory at Cardiffe.

That among the king's forces there were some Irish commanders and a troop of horse taken and routed. The house ordered that thanks should be rendered to God for this success the same day that was appointed for the victory at Torrington.

Order for 1000*l.* for paying and recruiting major-general Langherne's forces, and to confer on him a further honourable command, and a delinquent's estate on him and his heirs.

A party from Oxford plundered about Salisbury, and took some of the parliament's horse there.

28. Progress in the business of the church.

Order for ammunition for Ireland.

The accounts of the excise brought in.

Instructions for some gentlemen to go down into Cornwall.

Letters from the army certified,

That sir Thomas Fairfax, by advice of his council of war, resolved to march into Cornwall against the king's field-army there; that Mr. Trevilian, a gentleman of that country, raised a regiment to join with the parliament's forces, and all were ordered by sir Thomas Fairfax for their advance.

That Mr. Peters preached in the market-place at Torrington, and convinced many of their errors in adhering to the king's party, and that he with lieutenant-colonel Berry were sent to Plymouth to treat with the governor. Mr. H. Peters.

That sir Thomas Fairfax sent home the Cornish men that were taken prisoners at Torrington, and gave them 2*s.* a man, which gained much the affections of that country to him: that the lord Hopton could get no recruits in Cornwall. Sir Thomas Fairfax published a proclamation by beat of drum and sound of trumpet at the head of every regiment, Proclamation.

That no officer or soldier of his army should seize or take any cattle or goods of any of the inhabitants of Cornwall, or injure or prejudice any of them in their persons or estates, on pain of death.

Then he advanced with his army into Cornwall, the army

retreated before him, that the Cornish men stood amazed, and many of them came daily in to sir Thomas Fairfax.

Corfe-castle stratagem.

Letters informed that one lieutenant-colonel Pitman, in Corfe-castle, who had formerly served under the lord Inchequin in Ireland, intimated his design to serve the parliament in procuring Corfe-castle to be delivered up to the parliament, if he might have a protection, which was privately gotten, and sent down to him from the parliament.

195 Then Pitman told Ankerill, the governor of Corfe-castle, that if he would give way to it, Pitman would go into Somersetshire, and privately get an hundred men more, and bring them into the castle, and doubted not but then they should beat off the besiegers, and that he would get out by leave of the forces before the castle, upon pretence of procuring an exchange for an officer of the parliament's then prisoner in the castle, for Pitman's brother, who was a prisoner with the parliament's forces.

That the governor of the castle assented hereunto, and leave was had from Colonel Bingham, who commanded the forces before the castle, for Pitman to come forth and treat about this exchange; then it was agreed that Pitman should have an hundred commanded men to carry into the castle, and when they were entered, at the same time the besiegers to fall on to storm the castle.

The hundred men, and more, were fitted, and Pitman led them in the night to the port agreed upon for their entry, and there was Ankerill the governor to receive them, who bid them welcome; but after he had let in fifty of them, seeing many more behind, he caused the port to be shut, and would let in no more, saying that the fifty were as many as he could dispose of; at which Pitman was very angry; and presently these fifty possessed themselves of the chief towers, and made them good against the garrison.

But the parliament's forces neglected to fall on till the morning, when they saw their men upon the towers, and then making an assault the garrison yielded upon quarter: there were an hundred and forty of them: store of plunder and ammunition was taken, thirty of the parliament's party there prisoners were released.

March 1645.

2. Both houses agreed that the seven propositions as-

sented to might be communicated to the Scots commissioners for their consent, and fairly engrossed, to be sent to his majesty.

The matters composed upon the several petitions of London and of Westminster and Middlesex touching the militia there.

An ordinance sent to the lords to make Mr. Gilbert Gerrard clerk of the assizes for the northern circuit.

Letters from sir Thomas Fairfax's quarters certified, that he came with his army through deep ways to Launceston, that colonel Butler was sent with a thousand horse and four hundred dragoons to beat up the enemy's quarters, that he forced the pass at Tamerton-bridge, beat the enemy from place to place, put them to flight, took about three hundred horse and eighty prisoners, and had taken more, but they escaped by the soldiers' greediness of prey and taking of horses. Sir Thomas Fairfax.

That within two miles of Launceston sir Thomas Fairfax's men met with several of the enemy's scouts, by whom he understood that colonel Basset with horse and foot was resolved to keep Launceston; whereupon sir Thomas Fairfax sent a forlorn hope of horse and foot to force entrance into the town; the enemy shut the gates, made some opposition, but at last quitted the town disorderly: about two of them were killed, and some prisoners taken.

Night coming on, the rest escaped in the dark; the arms and magazine in the town were seized on. The country and this town expressed much joy at the coming of the parliament's army thither, although the king's forces told them that the parliament's army would give no quarter to any Cornish man or woman.

Which caused a terror upon them; but the parliament's soldiers, notwithstanding their entering was opposed, did not plunder any one house, nor do any prejudice to the town.

Some sallies were made out of Banbury, but they were beaten back.

3. Progress in the business of the church.

Order for the sergeant-at-arms to apprehend sir John Aubury, and bring him as a delinquent to the house.

The commons desired the lords to pass the ordinance for sale of delinquents' estates.

Abington. News came that a strong party from Oxford fell upon Abington, cut off some of the sentinels, entered at the abbey-gate, passed three of their guards, came near as far as the market-place, and possessed themselves of three pieces of ordnance.

That major Blundell, having then together but eight horse, came up and charged the enemy, retreated, and came on again, which encouraged the foot at the main guard, and the alarm being given through the whole town, the soldiers betook themselves to their arms, and leaving their clothes ran forth to encounter the enemy in their shirts, and fought with such resolution, that they regained the ordnance, put the enemy to flight, many of them killed, and some prisoners taken, and nine only of the parliament's men killed, and major Blundell wounded.

Order for supplies for Abington, and for the blocking up of Oxford, and major-general Browne to command them.

4. By consent of the Scots commissioners leaving it to the house of commons, they appointed a committee to consider of the desire of Monsieur Sabrand and Monsieur Montruel desiring a pass to go into Scotland, and to take Oxford in the way, and to consider of all ambassadors, agents, and residents here from foreign princes.

Referred to a committee to examine the uncivil carriage of some, pretending to be messengers to a committee, in entering into the house of the lady Wray.

Order for Colonel Ven to convoy the pressed men to sir Thomas Fairfax's army.

Ashby-de-la-Zouch was surrendered to the parliament upon the conditions agreed upon, five pieces of ordnance were taken in it, arms and provisions, and the garrison to be slighted.

5. The ordinance for settling presbyterian government sent up to the lords.

Order for the committee of the admiralty to send ships to guard the western coast, according to the desire of sir Thomas Fairfax.

Vote to slight Corfe-castle and Wareham.

6. Several votes touching the relief of Ireland.

Upon information that several troops of horse were raised

by some Scots officers in Ireland, ordered that no horse or foot should be raised, or brought in thither, nor moneys levied there, without warrant of the parliament.

Order for auditing the accounts of major-general Browne, and that he should have 10*l.* per diem allowed him, and some honour conferred upon him.

Letters informed that sir Thomas Fairfax marched to Bodman in Cornwall, which was quitted by the king's forces; that lieutenant-general Cromwell, with a thousand horse and five hundred dragoons, went to secure the pass at Ware- 196
bridge; that six of the parliament's troopers seized and brought to Bodman four wain-loads of the king's ammunition going to Foy;

That a party of the parliament's sent out another way, overtook forty-two musketeers, with their matches lighted and muskets loaded, and four troopers riding up to them made them all lay down their arms, and brought them back prisoners to the headquarters. That sir John Greenville's lieutenant-colonel and divers others were taken prisoners.

7. Order for money for major-general Massey's forces.

The lords sent to the commons concerning an assessment on some western counties for major-general Massey's forces, which the commons voted a breach of privilege, the power of moneys resting wholly in the commons. Breach of privilege.

Order that the speaker do give a pass to Monsieur Montruel to go to Oxford, and so to Scotland, he giving security not to return to England.

Sir Thomas Fairfax gave 20*s.* apiece to the four troopers that took the forty-two musketeers.

Letters informed that the prince, with the lord Capell, lord Culpepper, and sir Edward Hyde, put to sea with three ships from Pendennis-castle, with much company, for France, and that one of the ships with the horses and provisions were cast away.

9. Order for the sergeant-at-arms to apprehend and bring to the bar sir Edward Herbert, the king's attorney, lately come to London.

Ordinance sent up to the lords for an assessment for the garrison of Henley.

Another for money for Plymouth garrison.

Order that the ministers of the west do repair to their charges.

Letters informed that sir Thomas Fairfax's army was quartered about Bodman and Lestithiel, some time having been spent to secure the passes, and make all sure behind them.

That Mount Edgecome was surrendered to sir Thomas Fairfax, and the regiment in it disbanded.

That many of the prince's servants came in to the parliament, and desired sir Thomas Fairfax to make their peace.

That there came in to him likewise the high-sheriff, the lord Mohun, and thirty other gentlemen of quality, and submitted to the parliament.

Petition. The Cornish men near St. Columbe presented a petition to sir Thomas Fairfax, offering themselves, lives, and fortunes, to serve the parliament, acknowledging the general the instrument of their deliverance from bondage. The country people assisted sir Thomas Fairfax in blocking up the passes, to hinder the king's forces from escaping.

Sir Thomas Fairfax's offers to lord Hopton. Sir Thomas Fairfax sent a summons to the lord Hopton to lay down arms, to prevent effusion of blood, and courted his lordship, and offered him and all his forces very honourable conditions, to go beyond sea or to their own homes, as they pleased, and to have his passes or protection, and desired their speedy answer thereunto.

The townsmen of Padstow took an Irish vessel in their harbour and two others going with plundered goods, and in them were several packets of letters from the marquis of Ormond, the earl of Glamorgan, the lord Digby, and others, of great concernment, and mentioning preparations for bringing over Irish rebels hither; which so enraged the country people, that they put to the sword thirty Irish taken by them in that vessel at Padstow.

10. Difference of opinion between the houses about the earl of Derby, the lord Pawlet, sir John Byron, and sir John Strangeways, whom the lords thought fit not to except from pardon.

Colonel Rainsborough, sent to command the forces before Banbury, had power of martial law given him.

Letters informed that sir William Brereton entered Litchfield with the loss of three men slain and some wounded,

that he killed six of the enemy, and beat the rest into the close, being a thousand horse and foot.

A sally out of Newark with four hundred horse and a thousand foot upon the Scots guards; the bridge being down, none of the rest of the army could come to assist them, and the Newarkers were double the number to the Scots in that place; but after a little time some got over to them, and the Newarkers retreated, having killed one captain, two lieutenants, and eight soldiers, and about twenty wounded, and few of their own party left behind them.

11. The accounts of the committee of excise brought in, and a vote passed to continue the excise in such hands as both houses shall think fit, and order for advancing of 84,000*l.* upon the excise for the army.

Divers other orders about the excise, and one for 2000*l.* for Abington garrison.

Letters informed that the army advanced from Bodman towards Truro, but by reason of bad weather put into quarters; that a party of eight hundred horse and dragoons was sent under colonel Rich to fall upon the enemy's quarters, which they did near St. Columbe, being the prince's regiment, consisting of about eight hundred; they of the van charged Rich's men, but were quickly put to the rout, and pursued three or four miles.

Rich's men took about an hundred prisoners, most of them reformados, whereof major-general Pert was one, twenty-nine of the prince's guard, and a hundred and eighty horse: this so alarmed the enemy, that they left their headquarter for a mile, and drew all their horse to a rendezvous upon a down at eleven o'clock at night, where they stood in the rain till the next morning.

Lord Hopton's answer to sir Thomas Fairfax.

A trumpet came with an answer from the lord Hopton to sir Thomas Fairfax's summons, implying a willingness to end the business of the west without more bloodshed, but desires to know whether the king and parliament be not near to a conclusion of a peace; that he, being intrusted, may be careful of the king's honour; and a treaty is entertained, and in the meantime sir Thomas Fairfax's army advanced.

The letters taken in the Irish ship mentioned the commitment of the earl of Glamorgan to be to colour that business, and that a peace was concluded with the Irish rebels, and

that ten thousand of them were ready to come into England to assist the king.

12. The day of thanksgiving for the late successes in the west.

Letters from Abington certified that they had several alarms from Oxford, and the last Lord's day at six in the morning a great party of horse and foot came near to Abington town, who took the alarm, and were in a posture to receive them:

That the cannon played upon them half an hour from the
197 town, and did good execution; that the Oxford foot, notwithstanding their words, *that they would gain the town or leave their bones there*, yet they ran away; and the horse could not be persuaded to stay, but taking up about ten of their fellows' dead bodies, they all retreated to Oxford:

That the soldiers want no courage, but money, and are put to watch almost every night.

Assembly of divines.

13. The assembly of divines desired, by some of their brethren sent to the house, that Mr. Patrick Young might be encouraged in the printing of the Greek Testament, much expected and desired by the learned, especially beyond seas; and an ordinance was read for printing and publishing the Old Testament of the Septuagint translation, wherein Mr. Young had formerly taken pains, and had in his hand, as library keeper of St. James's, an original Tecta Bible of that translation.

Orders for money for soldiers' wives and widows, and to the train of artillery.

The petitions of London, Westminster, and Middlesex touching the settling of the militia, and the differences thereupon, referred to a committee to be composed.

A party from Oxford plundered Basingstoke, and the pressed men going to sir Thomas Fairfax mutinied at Farnham, their conductor, colonel Ven, being very imperious, and not pleasing to them; but it was soon appeased.

Foy was delivered up to sir Thomas Fairfax, and thirteen pieces of ordnance in it.

Heralds' office.

14. An ordinance passed both houses for settling and regulating the heralds' office; to effect which I laboured, and was one of the committee for that end, but opposed by many inclining to levelling.

Order for a pass for the earl of Northampton and twenty officers with him to go beyond sea, provided they take the negative oath.

Votes that the great seal should be in the hands of commissioners, members of both houses, and in the present commissioners for six months longer.

Both houses agreed to the ordinance for settling presbyterian government.

Letters informed that sir Thomas Fairfax and the lord Hopton agreed upon these articles:

Articles between Fairfax and Hopton.

That the lord Hopton's army should presently be disbanded, and his horse, arms, and ammunition, artillery, bag and baggage, delivered up to sir Thomas Fairfax.

Officers to have their horses, and troopers 20*s.* a man, strangers to have passes to go beyond sea, and English to go to their homes.

A hundred and twenty musketeers armed came out of Pendennis-castle, and yielded themselves to sir Thomas Fairfax.

That the lord Hopton surrendered to sir Thomas Fairfax near three thousand horse.

16. Votes touching the affairs of Ireland and the commission to be granted to the lord L'Isle appointed governor there.

Care for money for major-general Massey's forces.

Reference to a committee to consider what places of benefit are held by any members of the house, and to report it.

Conference about the propositions for peace.

Harwarden-castle was surrendered to major-general Mitton, and he besieged Holt-castle.

A party from Hereford and Monmouth surprised sixty horse in the stables of Gotherick-castle, burnt the stables, and besieged the castle.

A party from Worcester came within a mile of Evesham, plundered and took away some countrymen prisoners, but were pursued by a party from Evesham, the prisoners and plunder rescued, and eighteen of their horse taken.

17. The house being informed that the prince was in Scilly, and in some straits for want of provisions, they agreed that a letter should be written to him in a loving and tender way

Letters to the prince.

from both houses of parliament, to invite him to come in to the parliament, and to reside in such place, and have such attendants and counsellors about him as should be approved by both houses.

Composure of the business of the militia of London.

Letters informed of many of the king's party daily coming in to sir Thomas Fairfax, and the governor of Penrin desired to be included in the treaty with the lord Hopton; and here some of the earl of Essex's old soldiers said they were even with the king's forces for the business of general Essex in Cornwall.

18. A letter from both houses to the prince agreed upon, and to be sent away.

Nottinghamshire being highly oppressed by the armies lying before Newark, the house ordered to take it into consideration.

The Scots commissioners differed from both houses touching the propositions to be sent to the king for peace, and a committee was appointed to consider of it, and report to the houses how they found it.

Power of foreign plantations continued in the earl of Warwick.

Colonel Kerle continued governor of Monmouth.

Conference about lords lieutenants being of committees in the western association.

The commons pressed the lords to pass the ordinance for trial of Mr. Murray for a spy.

Eight troopers of colonel Fleetwood's charged twenty of the Oxford horse who had been out to fetch money, took fourteen horse and men, and 146*l.* in money: his regiment and colonel Rainsborough's straitened Oxford.

Intelligence came that the forces in France, supposed to be for England, are disposed of another way, and that the States will not admit the prince of Orange to transport men hither for the king; that major-general Skippon, governor of Bristol, fitted twenty ships to oppose the landing of any Irish for the king.

Letters from Ireland informed that the lord Broghill sent a party of a hundred and twenty horse and three hundred foot under colonel Crokey to Mallo, and they fell on it an hour after day; that there were three hundred and fifty in

the town and castle; of the two hundred in the town, all but ten killed or taken, an hundred and fifty killed, as many arms gotten, four drums, one colours, several officers, and thirty-three common soldiers prisoners; pillage worth 500*l.* besides five hundred sheep and a hundred cows, and but two soldiers and one trooper of the parliament's lost.

19. Consideration of the business of Ireland, and settling the lord Inchequin, and raising of 6000*l.*, and for four thousand suits of apparel for the forces in Munster.

A committee of both houses appointed to draw up the invitation of the prince to come in to the parliament's quarters.

By desire of the common-council of London, all proceedings of the house touching their late petition about the militia were rased out of the book, and the common-council were desired to rase out of their registers that petition, and all their proceedings thereupon. Militia. 198

Letters informed that the articles between the lord Hopton and sir Thomas Fairfax were performed, and Hopton's forces took the oath never to bear arms against the parliament, and a thousand of their officers and soldiers listed themselves to serve the parliament in Ireland.

The governor of St. Mawe's fort, which commands Falmouth, sent to sir Thomas Fairfax to be received into favour, and that he will deliver up the fort, castle, ordnance, arms, and ammunition; and sir Thomas Fairfax sent forces to take possession of them: two great brass pieces were in it, of four thousand weight apiece.

The general and lieutenant-general took care that not a man of the lord Hopton's army that came off should be plundered.

20. Care for money for major-general Massey's forces.

Two days in every week set aside for providing money for the forces.

Four thousand pounds of Mr. Henley's fine ordered for Abington garrison.

21. Ordinances sent to the lords for money for sir Thomas Fairfax's army.

Mr. Peters, newly come from the army, was called into the house, and made them a particular relation of the proceedings of sir Thomas Fairfax there, as is before mentioned, and that Hopton's horse that were disbanded were near five thousand.

Lord Hopton.

That the lord Hopton was not gone for Oxford, but took shipping for France, and many of the commanders with him, and some before, and others went to their own houses; that Pendennis-castle was closely besieged, and that the general intended to return towards Exeter.

Order for 100*l.* per annum to be settled on Mr. Peters and his heirs, out of the earl of Worcester's estate, and 50*l.* to the gentleman that brought the letters from sir Thomas Fairfax.

Order for a day of thanksgiving to God for these great mercies.

Order for the gentlemen and ministers of the west now in London to go down into their several countries, and for money for them.

Sir J. Ashleydefeated.

Letters brought by major Temple informed, that colonel Morgan, governor of Gloucester, with his forces and those of sir William Brereton joined together, fell upon sir Jacob Ashley and all his forces, intending for Oxford, at Stow in the Woald, on the edge of Gloucestershire, and after a sore conflict on both sides sir Jacob Ashley was totally routed, himself taken prisoner, and fifteen hundred more horse and men, all their carriages, arms, bag and baggage taken. Morgan's word was, *God be our guide;* Ashley's word was, *Patrick and George.*

23. A report and debate about the compositions of delinquents.

An ordinance for money for the two regiments at Gloucester.

Order for a warrant for a new election.

Order for 4000*l.* to be distributed to the wives and widows of soldiers, and to the train of artillery of the earl of Essex and of sir William Waller.

Letters further informed of the defeat of sir Jacob Ashley, that the dispute was hot, and the parliament's forces at first were worsted twice together, yet came on again, and sir Jacob Ashley's forces, being three thousand, were totally routed.

That two hundred of his men were slain on the place, many of them gentlemen of quality; two thousand arms taken, twelve carriages, and one thousand six hundred prisoners; that sir Jacob Ashley was prisoner to sir William Brereton; the rest of the prisoners sent to Gloucester, and

the wounded men taken care of; that the parliament lost only two lieutenants, and some few of their men slain and wounded.

That some of the king's forces escaped to Farrington and Oxford, and sir Jacob Ashley, after he was prisoner, told some of the parliament officers, "Now you have done your work, and may go play, unless you fall out among yourselves."

24. Order for a collection on the thanksgiving day for the maimed soldiers.

A letter from the king.

Another letter came from the king, in which he offers to come in to his two houses of parliament upon their assurance for the safety of his person, and to advise with them for the good and safety of the kingdom, provided that all those who have adhered to him may return home and live in quiet, without taking the covenant; and the sequestrations of their estates to be taken off; and that he will disband all his forces, dismantle his garrisons, pass an act of oblivion, and free pardon to all, and give ample satisfaction to the kingdom of Scotland.

A day was appointed to consider hereof, and it was ordered to be communicated to the Scots commissioners.

Orders for money for the garrison of Hereford and for the officers of the two regiments at Gloucester.

At St. Mawes the general had thirteen guns and store of ammunition; and between three and four hundred of the king's forces came in to him.

Major-general Middleton in Scotland took the earl of Montrose's house upon surrender; many were shot, the castle burnt, and all the arms and ammunition taken.

25. The day of the monthly fast yet solemnly observed.

END OF VOL. I.